

**From Being Property of Men to Becoming Equal Owners?
Early Impacts of
Land Registration and Certification
on Women in Southern Ethiopia**

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Executive summary

Land reforms are again high on the international policy agenda as can be seen from the establishment of the Commission for Legal Empowerment of the Poor (see www.undp.org/legalempowerment/), the increasing number of land reform programs funded by the World Bank in recent years and the establishment of the Global Network for Pro Poor Land Tools (GLTN) (see Augustinus 2005; World Bank 2006). Among these tools are land registration and certification, wherein husbands and wives are given joint titles to their land.

Land certification has been implemented in Ethiopia since 1998 and over 5 million certificates have been delivered. This is the largest delivery of non-freehold rights in such a short time period in Sub Saharan Africa (Deininger *et al.*, in press). The new federal and regional land proclamations that form the basis for this land reform, aim to increase tenure security and strengthen women's rights to land as to ensure more sustainable use of land resources. This particular study in the Oromiya region (OR) and the Southern Nations, Nationalities and Peoples region (SNNPR) of Ethiopia, aims to assess the early impacts of land registration and certification that has been implemented there since 2004. Special emphasis is placed on the impacts of the reform on women, including the impacts of joint certification for husbands and wives.

A conceptual framework is developed and the methodology described in chapter 2. Chapter 3 provides a historical background to the reform followed by a detailed review of the recent changes in the land laws and regulations with special emphasis on the gender aspects in chapter 4. In chapter 5 we describe and assess the land registration and land administration system, including the system of land conflict resolution, assess the main administrative constraints and derive policy recommendations. Chapter 6 presents the main findings from the household survey on the implementation and early impacts of land registration and certification, followed in chapter 7 by a more thorough assessment of the gender implications of the reform. In chapter 8 we provide findings from a survey of local conflict mediators where their knowledge of the law, their perceptions of the effects of the reform on land disputes and on women are investigated, followed, in chapter 9, by an assessment of the extent to which the reform has been pro-poor. We discuss some broader issues in chapter 10 and discuss some more long-term implications, before we conclude in chapter 11.

Traditionally, the land tenure system in Southern Ethiopia may be characterised by patrilineal inheritance¹ and virilocal residence². Young girls have very little influence over when and whom to marry. Further, they have to go to a husband that their clan or family has identified for them, meaning that they after marriage move to the home of their new husband and inherit no land from their parents. Bride prices and dowries are commonly used, and girls are seen as the property of the husband and his clan. This also implies that if the husband dies, his wife is still the property of his clan. Hence, a brother of the late husband would then become the new husband of the wife.

The Federal land laws were changed in 1997 and 2005 (FRLAUP 1997; 2005). The 1997 law provided the basis for the land registration and certification and the Oromiya and SNNP regions issued regional laws in 2002 and 2003 with more detailed implementation rules and regulations (OR 2002; 2003; SNNPR 2003; 2004). Joint certification of husbands and wives was implemented in both these regions. The new federal law of 2005 strengthens the basis of

¹ Sons inheriting land from their fathers, while daughters only inherit land if they have no brothers.

² Upon marriage the woman moves to the husband's homeplace to live with him there.

upgrading the land administrative system and implementing land use planning and enhancement of more sustainable land use. This is followed up with new laws at regional level (OR 2007; SNNPR 2007) but these laws have not yet been implemented on the ground.

Polygamy is quite common in Southern Ethiopia and the polygamous wives may live separately and have their own land. While the land laws first introduced in the Oromiya and SNNP regions in 2002 and 2003 stated that the husband could have his name on only one certificate, resistance caused a change such that certificates could be issued jointly to the husband and his wives, or the husband's name could also be included below the name of his second and later wives, while he has his name first on the certificate with his first wife.

Land Administration Committees (LACs) were established at village (kebele) level in relation to the land reform. LACs have so far primarily been involved in implementation of land registration and certification. However, the LAC members have done so without getting any compensation for this heavy burden. The LACs have had an important role and ensured strong local participation in the process but female representation in these committees has been very weak, like it also is in the land administrations at higher levels. The new land proclamations (OR 2007; SNNPR 2007) set out more or less ambitious goals for future work of these committees in terms of having a role in land conflict mediation, formalisation of land rental markets, implementing land use planning and monitoring and enhancing more sustainable land use. There is a strong need for more resources to facilitate training of these LACs and some form of compensation for their work may be necessary to make the system sustainable.

Our household survey covering 600 households in two districts (woredas) in each of OR and SNNPR revealed that the land reform had, in a short period of time, registered the land of 80% of the households in our sample and that 60% thereof had already received the land certificates. There was a positive demand for land certificates among households and 60% of the households had demanded improved certificates including maps of the plots. The households had a positive willingness to pay (WTP) for lost certificates (6EB) and improved certificates (10EB) albeit the WTP were low as compared to the perceived values of the land estimated at 50,000EB stated as minimum fair compensation by the households in case their land is taken.

We found that the low-cost land reform in Southern Ethiopia has contributed to increase the perceptions of tenure security for both women and men. The women's names on the land certificates increased the perception that the women would be able to keep the land after the divorce or death of their husband. Fifteen percent of the households in our sample were polygamous and polygamous men and women perceived their tenure security to have increased due to the reform. More than 80% of all wives and of the polygamous wives perceived that it was good that they got their names and pictures on the land certificates. About 41% of all wives and 43% of polygamous wives thought that having their names and pictures on the certificates would strengthen their position in cases of divorce or death of their husbands. There was also a difference in the perceptions of the first wife vs. later wives of polygamous men. Thirty-five percent of the first wives perceived their positions had been strengthened in cases of divorce and death of the husband, while 51% of the later wives perceived so. The difference may be due to the weaker initial position of later wives as compared to the first wives. We found evidence that the polygamous wives had a weaker position than other wives and that the later wives of polygamous households had a weaker position than the first wife of such households, as measured by their expectations about how

much land they would keep upon divorce. This appeared to be the case even though the certification was not carried through as initially planned, i.e. by providing certificates to the polygamous husband with his first wife only, while giving separate certificates to the later wives. Our survey revealed that it was most common to give joint certificates to the polygamous husband and his wives or to have the name of both the wife and the husband on separate certificates for each of the wives. We found very few cases where polygamous wives had only their names on the certificates.

The reform has so far had some but limited impact on women's ability to influence farm management. This may be due to the strong traditions of male dominance in household-farm decision-making. However, it appears that wives after the reform have more to say in relation to land rental decisions. This is due to the new land laws stating that consent of the family is required for land to be rented out and land rental contracts should be reported to the village (kebele³). While such enforcement may strengthen the rights of women, it may also increase the transaction costs in the land rental market and cause such rental arrangements to go underground. The fact that sharecropping is not considered to be a form of land renting by most households may limit the effect of the regulation that all land rental contracts should be reported ("formalisation" of the land rental market). The strong dominance of sharecropping as the main type of land rental contract may even have been strengthened due to this requirement to formalise land rental market transactions. The law may have limited impact unless reporting of sharecropping contracts also is enforced.

Our study based on interviews of more than 200 local conflict mediators revealed that they did not trust district (woreda) courts to give fair judgements and there was a common perception that these courts benefited the wealthy and influential. Our study could not investigate these courts because court officials demanded high payments for providing information. Although all of the traditional conflict mediators were men, the large majority of them considered joint certification and getting the name and picture of wives on the land certificates as a good thing and that it would strengthen women's position in cases of divorce as well as death of their husbands.

Our study of local conflict mediators' and households' perceptions found indications that the land registration and certification has contributed to reduce the number of border disputes and inheritance disputes and to increase the incentives to plant trees. Better plot demarcation with neighbours as witnesses makes it more difficult to succeed with encroaching into the land of others. The certificates also enhance tenure security and thus investment incentives. These findings are also in line with findings in Tigray region in northern Ethiopia (Holden *et al.* 2007b; 2007c).

The land reform may have reduced the amount of land renting because of the requirement that land renting needs to be reported and registered at village level and requires the consent of the whole family. These requirements are meant to enhance the food security of households and may empower wives in relation to their husbands, and make it illegal for husbands to rent out their land while ignoring food production needs of the family. The new law may thus contribute to arrest excessive land renting out. This is in contrast to the study by Holden *et al.* (2007a) who found that land registration and certification has contributed to increase land rental market activity in Tigray region where only the name of the head of the household was included on the certificate.

³ Lowest administrative level.

We found evidence that the land registration and certification has been wealth neutral in the implementation, as poorer households have had the same probability of receiving land certificates as less poor households. This in itself is a big step in the right direction as compared to many reforms in other countries that have been *de facto* anti-poor. The *de jure* changes in land proclamations have been pro-poor in the sense that they have strengthened the land rights of women who typically are among the poorest (due to inequitable distribution of rights within households). The law is also pro-poor in the sense that consent of the family is required before the head of the household can rent out land, and in relation to inheritance, as priority should be given to family members depending on the land for livelihood and to those without other sources of livelihood. A change in the most recent land proclamations has opened up for more individualised rights, wherein land brought to marriage may be controlled by the person who brought it into marriage. This change may weaken the position of women under the prevailing virilocal residence system.

It is a long process to change the customs of male dominance in household decision-making related to land. Joint titling of land may be seen as an important first step. Information dissemination, mobilisation and organisation of women's groups, education of women and men, and legal support are all required in order to empower women to give them an equal position to that of men in Southern Ethiopia. Without such multi-level efforts women will have problems redefining their positions as mere assets of men, parents and clans, and become owners of their own lives with equitable rights to that of men. Laws without enforcement will not help much when there are strong traditions against them but can be an important step in the right direction with proper follow-up.

We give the following recommendations as to how women's land rights could be strengthened further by improving the quality of the land reform, followed by some recommendations for issues where further research is needed.

- 1) For women the legal rule establishing co-ownership of land upon marriage appears important under the current virilocal practice. The recent change in the laws in OR and SNNPR allowing individual ownership can undermine the rights of women and can make them landless upon divorce or death of the husband. It is therefore recommended that policy-makers reconsider this change in the laws.
- 2) We recommend that LACs are established at sub-village (sub-kebelle) level with female representation (minimum two members). It may be more feasible for women to participate if the committees are established at sub-village (sub-kebelle) rather than at village (kebelle) level. It may also be more feasible for women to participate after the big task of land registration has been completed.
- 3) Develop a system for training of local Land Administration Committee members and conflict mediators to strengthen their knowledge of the law and their gender awareness.
- 4) There is a need to look at the administrative capacity of land administrations to ensure that they are able to handle the new tasks that are put on their shoulders with the most recent land proclamations emphasising land use planning, formal registration of all land rental transactions, and monitoring and enforcing sustainable land use. It is important that a prototype system in terms of staff, skill and budget requirements is developed to be able to implement these new tasks. Such a standard should then give signals to regional and woreda level administrations to ensure a balance between objectives, staffing, equipment and budgets.
- 5) There is a serious dissatisfaction with the way the court system works in relation to resolving land-related disputes. There is lack of trust as people perceive that court judges are

corrupt and favour the wealthy and influential. We therefore recommend a critical assessment of the competence, knowledge and practice of the courts at different levels.

6) NGOs should be encouraged to assist with dissemination of information, awareness raising and even develop expertise in law and provision of legal services to help the poor, including women, in cases of disputes over land. Currently such services are non-existent and women who take their cases to the courts face substantial monetary and social costs.

7) The local universities may take action to help provide training and build capacity to help fill the gaps with respect to legal competence and services. More should be done to educate women for positions in land administrations. We found no women as professionals in the land administrations in our survey areas.

8) There appears also to be a strong need to give training in the new land and compensation laws and regulations to government officials involved in land-related issues like land takings and compensation because current practices by local governments in relation to such cases are clearly illegal and anti-poor.

9) Using radio is a cheap way of disseminating information. In OR and SNNPR they have, with support from USAID recently developed radio programs to disseminate information about land tenure, legislation and land reform. The SNNPR region clearly has a challenge because of the large number of language groups in the region. Developing this method for dissemination of information should be less difficult in Oromiya region. If local LACs are mobilised to inform about such radio programs and arrange radio access, arrange such that people sit together, listen and discuss, and such programs are made weekly events, it could make a considerable impact at a very low cost.

10) Further research should focus on the extent to which women are able to enforce their rights, the legal support they are able to get and the extent to which such disputes end with positive outcomes for women in accordance with the law.

11) We have in our study collected detailed farm plot level data that can serve as a baseline for further assessment of plot level impacts of the reform through a follow-up survey in a few years time.

12) Future research should also focus on what it would take of time, knowledge and resources to implement the ambitious strategy of integrating land use planning, monitoring of, and enforcing more sustainable land use and formalisation of the land rental markets, at the local level as well as at the higher administrative levels. Stronger involvement of women in LACs may more easily be facilitated if LACs are established at sub-kebelle level rather than at kebelle level only.

List of abbreviations

EB	Ethiopian Birr, Ethiopian currency
ELTAP	Ethiopia Land Tenure and Administration Program
EPLAUA	Environmental Protection and Land Administration and Use Authority
GLTN	Global Land Tools Network
GPS	Global Positioning System, uses satellites to identify exact geographical location
LAC	Land Administration Committee at community (kebele) level
MDG	Millennium Development Goals
OR	Oromiya Region
PA	Peasant Association, the same as a kebele (community administration level)
SNNPR	Southern Nations and Nationalities Peoples Region
TLU	Tropical Livestock Unit
USAID	United States of Agency for International Development
WTP	Willingness to pay
WTW	Willingness to work

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1. Introduction

Land reforms are again high on the international policy agenda as can be seen from the establishment of the Commission for Legal Empowerment of the Poor (<http://legalempowerment.undp.org/>), the increasing number of land reform programs funded by the World Bank in recent years and the establishment of the Global Network for Pro Poor Land Tools (GLTN) (Augustinus 2005; World Bank 2006). Among these tools are land registration and certification where husbands and wives are given joint titles to their land aiming to strengthen women's land rights that traditionally have been weaker than those of men in most societies.

Land certification has been implemented in Ethiopia since 1998 and over 5 million certificates have been delivered, the largest delivery of non-freehold rights in such a short time period in Sub Saharan Africa (Deininger et al., in press). The new federal and regional land proclamations that are the basis for this land reform, aim to increase tenure security and strengthen women's rights to land and to ensure more sustainable use of land resources. It can be very valuable to draw systematic lessons from the implementation of this low-cost, large-scale, and broad-based gender-sensitive land reform since these findings can provide guidance for implementation of similar reforms elsewhere. This study in Oromiya and the Southern Nations, Nationalities and Peoples (SNNP) regions of Ethiopia, aims to do this as land registration and certification has been implemented there since 2004.

Traditionally the land tenure system in Southern Ethiopia may be characterised by patrilineal inheritance and virilocal residence. Young girls did not have anything to say in relation to marriage and had to go to the husband that their clan or family identified for them, meaning that they after marriage moved to the home of their new husband and inherited no land from their parents. Bride prices and dowries have been and are still commonly used, making girls the property of the husband and his clan. This also implied that if the husband dies, his wife is still the property of his clan and a brother of the late husband would become the new husband of the wife. The extent to which these traditions are still maintained may vary from place to place and even from family to family.

The Ethiopian Land Reform of 1975 that followed the military coup by the Derg regime, made all land state land and this has not been changed since then and was inspired by a communistic "land-to-the-tiller" ideology⁴. However, recent federal and regional land laws (proclamations) (FRLAUP 1997; 2005; OR 2002; SNNPR 2003) have strengthened inheritance rights in form of use rights of land within the family, giving equal rights to inheritance for sons and daughters. Furthermore, the new laws imply that land should be shared equally between the husband and wife upon divorce and the wife and children should take over the land if the husband/father dies. The new laws also deal with polygamy as polygamy is quite common in Southern Ethiopia and the polygamous wives may live separately and have their own land. While the regional land laws first introduced (OR 2002; SNNPR 2003) stated that the husband could have his name on only one certificate, resistance caused a change such that certificates could be issued jointly to the husband and his wives or the husband's name could also be included below the name of his second and later wives while he has his name first on the certificate with his first wife.

⁴ See chapter 3. We refer to Rahmato (1984) for more detailed information on the situation before and after the 1975 land reform in Ethiopia.

This study focuses on how the land law has been implemented in practice. In particular, the study focuses on how the position of women, in cases of divorce or death of the husband, may have changed and whether the new laws will have impacts on the empowerment of women. In the empirical material, there are indications of obvious tensions between the traditional role of women and the new land laws. However, as the study is directed onto early impacts of the process, it is not realistic to expect large changes in regard to the amended role and improved rights of women.

The household survey/ interviews focused specifically on traditions relating to land tenure and management, knowledge of the land laws, the process of implementation and land registration, the degree of participation in the process by men and women, what would happen to women in cases of divorce and death of their husband (in the past and currently and the importance of land certificates for the increased tenure security of men and women (in particular poor households).

Gender impacts are also captured by comparing the situation of female-headed households with other households. Further, it is possible to compare polygamous wives' responses with those of other wives, even to make a comparison of the first wife in polygamous households with later wives of the same households, when considering gender impacts in the Ethiopian case.

In the report, most of the results are presented in simple descriptive tables, which may be easily understood by local administrators. For that reason, the researchers have not used sophisticated econometric analysis, as that may not be easily understood by non-specialists. However, econometric methods as to assess alternative poverty indicators have been applied in some of the analyses in the poverty assessment (see Appendix 3).

The structure of the report is as follows; first, the basic methods and definitions are presented along with the conceptual framework applied in the study. Thereafter, a brief background on the Ethiopian land tenure history is outlined, followed by recent changes in the land laws.⁵ Third, the land administration structure, including administration of conflict resolution, is thereafter examined. Thereafter, key general findings from the household survey on the implementation of land registration and certification are presented, followed by the more gender-specific findings. Following these findings, local conflict mediation structures are assessed, based upon a survey of local conflict mediators. Further, an assessment of whether the reform was pro-poor is presented while a general discussion of some of the more long-term implications follows suit. Finally, a concluding discussion is presented. Appendices include our terms of reference, the household questionnaire on land issues and the poverty assessment.

2. Definitions and methods

2.1. The Rights Perspective

In this report, the extent of rights related to land is assessed from the viewpoint of the “continuum of rights” perspective. (see www.glt.net/en/archive/1.b-continuum-of-land-rights/re-discussion/view.html for a discussion of this concept). These include rights as well as restrictions on these rights. We refer to chapter 4 for a thorough review of the Ethiopian land laws. The rights include rights to use, inherit, rental contracting, mortgaging, selling,

⁵ Please note that new land laws were about to come out for the Oromiya and SNNP regions at the time of writing this report. This means that some of the laws may have changed while the surveys and analysis had to build on the laws in place at the time the study was conducted.

bequeathing, investing, protection in relation to disputes, and compensation in relation to expropriation and/or theft. Restrictions on these rights include restrictions on use rights like prohibition of tree planting on arable land, duties to conserve the land, duties to use the land in a sustainable way, and duties to use the land (not leave it idle). Restrictions on land renting may be restrictions on duration of contracts, rental prices, and a requirement to formalize such contracts by making them written and reported to the appropriate formal authority. Strong restrictions imply non-existence of certain rights, like making sale or mortgaging of land illegal. Inheritance rights may also be restricted within the family, to certain family members, like to the oldest son or daughter, or be required to be equally shared among the children. Restrictions may also be imposed on how land is shared upon death of one spouse or upon divorce. Such restrictions may strengthen the right of some types of persons, e.g. women, at the expense of others who traditionally may have had stronger rights.

The Ethiopian federal land proclamations (FRLAUP 1997; 2005) grant all habitants in rural areas a right to access land for livelihood and this is a right that is inherited from the land reform of 1975. Land redistributions were systematically used after the land reform in 1975 to achieve this end and to maintain an egalitarian land distribution. However, with population growth, shrinking farm sizes and diminishing areas of unused land, it has become increasingly difficult to satisfy this right and many communities have long waiting lists of young couples demanding land. One solution for these youths is to stay on the farm of the parents and farm jointly.

The Ethiopian family law (FDRE 2000) states that marriage should be a voluntary contract from both parties' side . However, this is in conflict with current traditions wherein the clan and parents decide on behalf of the girls and where bride price⁶ and dowry⁷ are important elements of marriage contracts. These practices may involve exchange of girls across clans. Hence, strengthening women's rights as proposed in the new land proclamations is clearly in conflict with these traditions and as such the reform is likely to meet resistance. Furthermore, introducing new laws is far from sufficient to create a change. Information dissemination and enforcement of the new land laws, with legal support provided to women, will be important as to realise girls and women to access their rights, instead of being traded commodities. This is clearly a case for changing traditional norms, which for centuries have suppressed the basic human rights of women.

The realisation of other human rights is of relevance as to deliver equal land rights of women and men. These include rights to participate in meetings, be elected in committees, rights to move around, rights to influence decisions within households, and rights to control family income. However, rights are not enough, if the financial costs are too high and the institutional obstacles to many as to enforce them. Hence, mobilisation at many levels of the Government is needed for such rights to have *de facto* impacts.

2.2. Gender perspective and empowerment of women

Empowerment is broadly defined as increasing poor people's freedom of choice and action to shape their lives. Narayan (2005, p.5) defines empowerment of the poor as;

⁶ The transfer of wealth or possessions by the groom or, more typically, his family, to the bride's family on marriage.

⁷ Money or property brought by a bride to her husband at marriage.

“Empowerment is the expansion of assets and capabilities of poor people to participate in, negotiate with, influence, control, and hold accountable institutions that affect their lives”

This definition may be used as to understand the relationship between poor people and the state, land reforms, local institutions, and gender inequalities, even within households. This framework is combined with theories for household behaviour, game theory (e.g. household bargaining models), theories of land rights, and new development economics (imperfect information and transaction costs theories) in our analysis.

Narayan has identified four key elements that can change the power relations between poor people and powerful actors: i) access to information, ii) inclusion and participation, iii) social accountability, and iv) local organisational capacity (Narayan, 2005). Further, Narayan (2005) has launched a conceptual framework and ways to measure empowerment that opens a dialog across disciplines. We have tried to build on this in the formulation of our questionnaire and the following analysis.

Narayan emphasizes that measures of empowerment have to be context-specific. An important part of the methodology in this study is to identify context-specific measures of empowerment as to assess the impacts of the land registration and certification processes on empowerment of the poor. A combination of methodological approaches was therefore necessary. Focus group interviews, with men and women separately, were used to explore perceptions of the benefits of the reform and to explore experiences with land disputes. Questionnaires, designed with separate sections for men and women, were utilised in a survey of households as to assess the knowledge, positions, actions, perceptions and attitudes of men and women.⁸ Further, Land Administration Committee members, judges in social courts, kebele (community) leaders and EPLAUA staff at district and regional levels were interviewed in order to investigate the structure and evaluate the quality of the land reform process.

Given the objectives of our study the following indicators for empowerment have been applied in this study:

1. Establish to what extent there is a divergence between traditional rules and the new land proclamation with respect to women’s land rights. Outline the traditional land rights of women.
2. Whether women participated in meetings
3. Whether women dare to speak out and claim their rights
4. Women’s knowledge of the law and their rights
5. Whether women are included on the certificates
6. Whether men know and accept women’s legal land rights
7. Whether women feel secure about their land tenure and whether land certificates enhance their feeling of tenure security
8. Whether women dare to involve in land disputes when their rights are threatened
9. Whether women take their cases to the social courts and woreda (district) courts when necessary
10. Whether women win their cases according to the law in case of land disputes

⁸ The questionnaire applied in the household interviews with separate questions to men and women is included in Appendix 2.

11. Whether widows retain control over the land after death of their husband or whether the in-laws take over their land (possibly through a rental arrangement)
12. Whether divorced women get their legal share of the land upon divorce or whether the in-laws take over their land (possibly through a rental arrangement)
13. Whether the women keep the children after divorce as land rights are given to the one who takes responsibility for the children
14. Whether polygamous women have the land certificate in their name
15. Whether polygamous men accept their second etc. wives to have the land certificate in their names
16. Whether polygamous men feel more tenure secure or insecure after the land certification
17. Whether men in general feel more tenure secure after the land certification
18. Whether women have equal decision-power over the land.
19. Whether women control the income from the crops they grow
20. Whether women are involved in land renting decisions
21. Whether women are involved in land investment decisions
22. Whether boys and girls have equal inheritance rights
23. Whether land brought into marriage enhances decision-power of women
24. Whether land is shared equally whoever brought the land into marriage
25. Whether domestic violence cause women not to deare to claim their legal rights
26. Whether new joint land certificates are issued upon marriage (after the certification)

2.3. Poverty definition

We apply the concepts of income and asset poverty in our analysis (Reardon and Vosti 1995). These concepts are made relative within communities by for each poverty indicator dividing households within each community into equal size classes based on their relative position in the community for each specific poverty indicator. This allows us to see to what extent relative poverty within communities matters for their access to the benefits from the land reform. Furthermore, the difference across communities is assessed by comparing the household means of the poverty indicators across communities.

This approach allows taking into account the importance of absolute as well as relative poverty in the analysis. The intra-household perspective that is introduced, with the gender analysis, opens up for assessing relative poverty within households. An extended poverty definition may include “poverty in rights, knowledge and decision-power”. This implies that empowerment of women in poor societies may be seen as a poverty reduction strategy, as women traditionally are the poorest of the poor due to restricted asset rights, inheritance rights, participation rights, mobility rights and protection rights.

We used household data to analyse the relationship between income, asset ownership and other household and community characteristics. We found that livestock ownership and land ownership were important determinants of income for households. The labour force of households appeared to have a mixed effect due to diminishing returns to labour on small farms and limited access to non-farm employment opportunities. Higher poverty was therefore associated with large household sizes and high (unproductive) labour force.

Consequently, we categorised households in each community based on livestock ownership measured in tropical livestock units (TLU) per capita, land ownership per capita, and gross income per capita. Population pressure was found to have a significant effect on poverty by

using per capita measures of poverty. Households were divided in three equally sized groups for each poverty indicator (e.g. TLU per capita, farm size per capita, and gross income per capita) such that 1=poorest, 2=medium poor, 3=least poor. Gross income included the value of own production for own consumption valued at local market prices.⁹

2.4. Sampling of communities

Two districts in Southern Region and two districts in Oromiya region were chosen for the detailed household survey. The locations and households (Wollaita and Wondo Genet) have been surveyed earlier in collaboration between Norwegian University of Life Science and University of Hawassa, hence allowing build-up of household panel data. The first, Wollaita, is perhaps the area in Ethiopia with the strongest demographic pressure at the moment, causing poverty to be severe due to limited off-farm employment opportunities. The other area, Wondo Genet, is a cash crop producing area wherein sugar cane, chat and coffee are the main cash crops. Perennial crops are important in both these geographical areas with the false banana, enset, being an important staple food. Further, Wondo Genet is one of six selected woredas in Oromiya region for a USAID-funded pilot land registration program where more modern technology will be used for registration, mapping and issuing of certificates with maps (Bekure et al. 2006).

The two districts selected in Oromiya region were selected for their importance as active trading centres along the main road between Awassa and Addis Ababa. The land pressure is likely to be higher and changes faster near such trading centers. We therefore selected communities with varying distance to these centers. Arsi Negelle was also selected because tenure insecurity has been identified in earlier surveys to be particularly acute in this woreda (Holden and Yohannes, 2002). Land registration and certification may therefore be expected to have a particularly strong impact on tenure security in this woreda as we expect one of the most important benefits of land certification is strengthening of the security of tenure for individual households. Within each of these two woredas in Oromiya region we selected two peri-urban communities (kebelles or peasant associations) in addition to communities that are located further away from the woreda centre. This allows us to assess the difference between peri-urban and more rural communities.

The total sample size was above 600 households. This figure includes approximately 240 households in Wollaita and Wondo Genet, which had been surveyed before. It turned out that land certification had not yet been implemented yet in Wondo Genet, giving us panel data for only 120 households in Wollaita, who had been exposed to land certification. This gave us a too small sample to do a meaningful panel data analysis of the impacts of land certification. A follow-up survey in the future, resurveying the same households could give interesting insights regarding a broader set of impacts than we have been able to assess here.

The household level survey instrument included sections on a) basic household socio-economic data; b) specific parts for adult male and female members (wife and/or head of household) covering issues on their knowledge of the law, participation in activities related to the land reform, responsibilities, attitudes and perceptions, including gender perceptions of partners towards each other concerning the land; c) farm plot level information including all

⁹ See Appendix 3, on regression analyses, assessing different poverty indicators and their interrelations.

relevant information from their land certificates, farm plot characteristics, input use and output levels, investment, disputes, land rental activity, and GPS location.

The basic socio-economic characteristics of our household sample are presented by woreda in Table 2.4.1 below.

Table 2.4.1. Basic socio-economic characteristics of sample households by woreda

Socio-economic characteristics	Sashe- mene	Arsi Negelle	Wondo Genet	Wollaita	Peri- urban	Female- headed	All househ.
% female headed households	9.7	14.8	9.8	15.3	14.2	100	12.8
Average years of education, household head	3.1	4.1	4.8	4.5	3.3	1.3	4.0
Average farm size	1.46	1.47	0.35	0.43	1.58	0.66	0.94
Average household size	6.7	7.1	6.0	7.2	6.7	5.3	6.8
Average per capita land holding size	0.23	0.22	0.061	0.076	0.26	0.15	0.15
Average male labour force	1.58	1.72	2.17	1.97	1.80	1.39	1.84
Average female labour force	1.56	1.77	1.77	2.08	1.69	1.86	1.82
Average livestock holding, tropical livestock units (TLU)	3.7	5.0	1.5	1.9	3.0	2.2	3.0
Average total income, EB	11023	9273	11588	5480	8658	4985	8835
Average income per capita, EB	1247	1170	2453	1059	1118	882	1360
Median income per capita, EB	808	799	1657	444	742	656	801
Number of households	154	149	102	203	142	78	608

We see that average farm sizes are very small in Wondo Genet and Wollaita but average income is still the highest in Wondo Genet and lowest in Wollaita, the main reason being cash crop production in Wondo Genet. The skewness of incomes cause median income per capita to be much lower than average income per capita, and particularly so in Wollaita where poverty is most severe on average as well. The median income per capita in Wollaita is less than 0.14 US\$ per day.

Figure 2.4.1 below shows a map with the distribution of plots in the Sashemene and Arsi Negelle woredas in Oromiya region based on the GPS data from the farm plot survey.

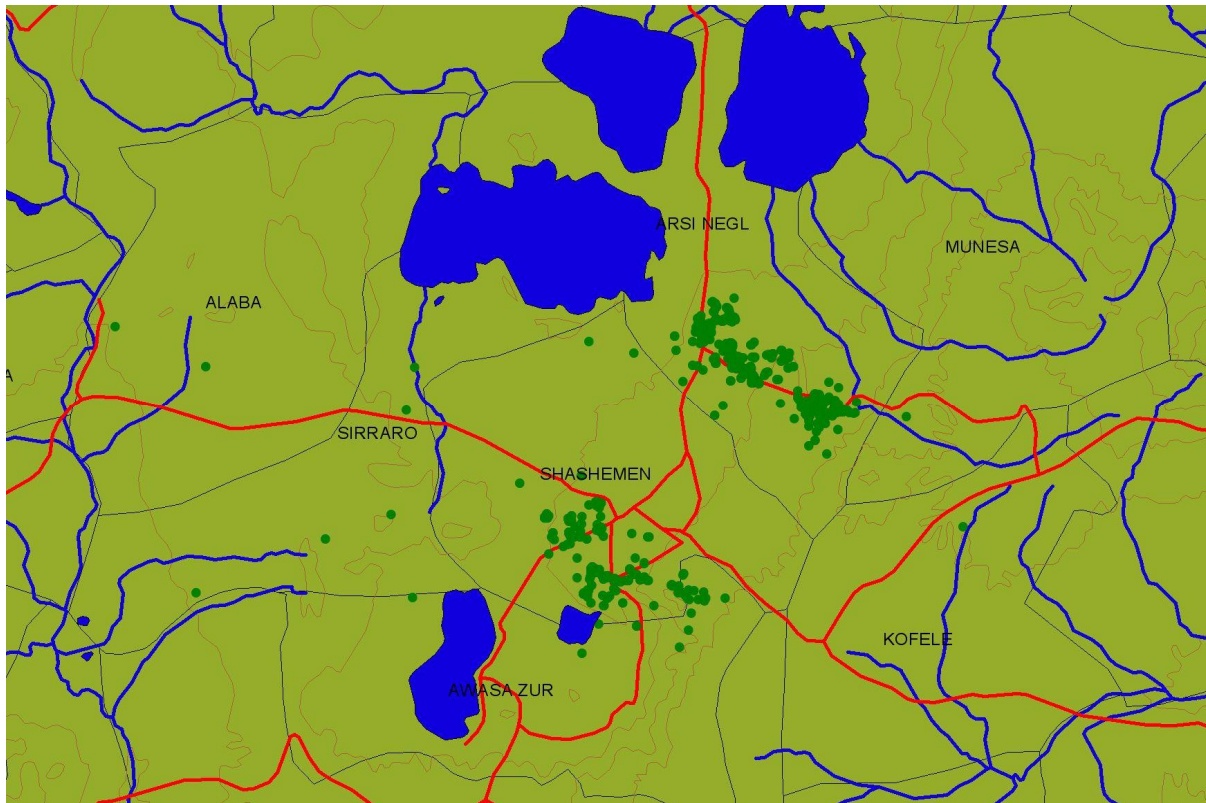


Figure 2.4.1. Map of farm plots of sample farmers in Sashemene and Arsi Negelle.

Furthermore information was collected from the community, district and regional land administrations responsible for the land reform, local social courts and district courts on land-related disputes, and assessing the knowledge of the law, interpretations, experiences and attitudes on the law among local leaders with special emphasis on the land rights of women.

2.5. Conceptual framework

We present a simple conceptual framework for impact assessment in Figure 2.5.1 below. The federal law and the regional laws provide a basis for the land reform in form of land registration and certification. The land administrations that have been established have been put in charge of the implementation and this implementation also depends on donor support and allocation of budgets for the activities. The impacts on women's empowerment also depend on the initial conditions in the communities where the reforms are implemented. The impacts will depend on things like the individual and collectively owned resources and capabilities of households and communities, traditional norms, exposure to markets, other government policies, and agro-climatic conditions.

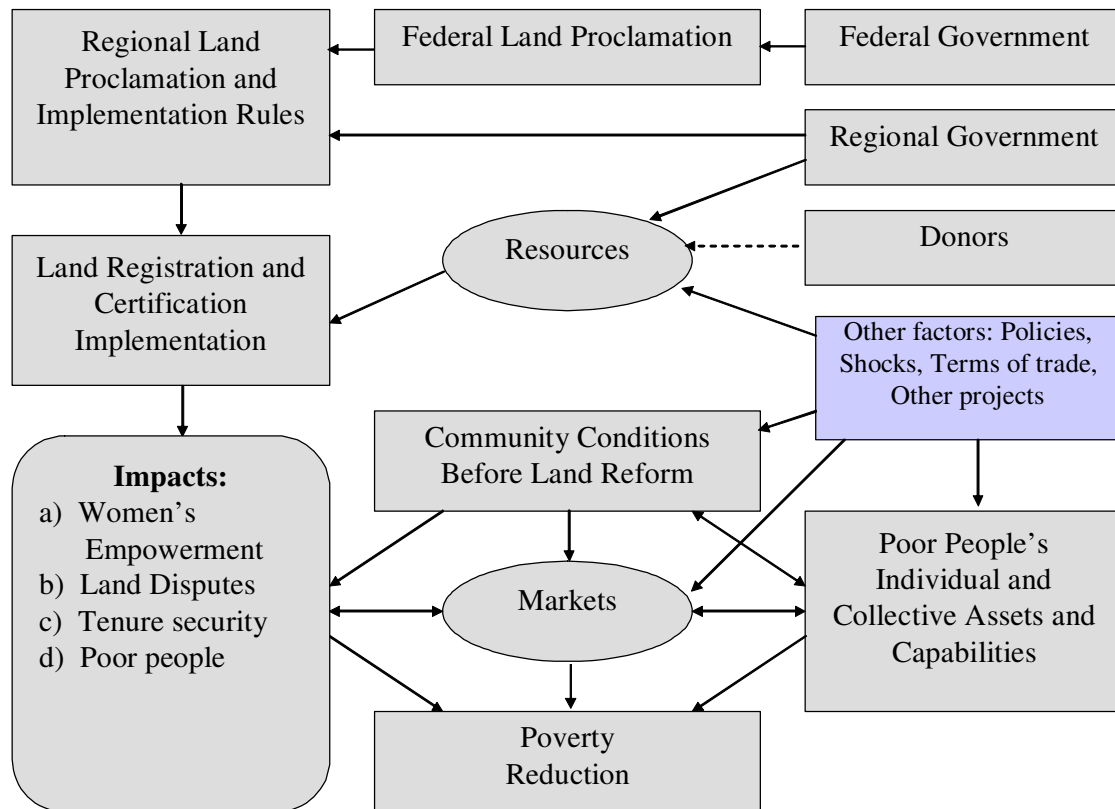


Figure 2.5.1 Conceptual framework

3. The historical context of the introduction of the land certificates

The first land registration and cadastral survey in Ethiopia was initiated in Addis Ababa in 1909 (Pankhurst, 1966, cited in Abebe, 2006). Also during Haile Salassie's time there was a Ministry of Land Reform and Administration that measured and registered rural land in collaboration with the Mapping Agency until 1974 aiming to create a system of freehold tenure, provide individual titles of land and to facilitate land sales (Hoben, 1973, cited in Abebe, 2006).

Contrary to the rest of Africa, Ethiopia does not have a colonial history. This does not mean that Ethiopia has not been strongly influenced by global political ideologies. The Ethiopian Land Reform in 1974 was based on a radical communistic ideology. Before this reform there was a diversity of tenure systems from absentee landlordism in the south of the country to the more communal *rist* system in the north. The land reform therefore caused larger changes in the tenure system in the south than in the north. The radical land reform implied that all land was made state property and user rights to land were distributed to households within communities based on needs (household size). The maximum farm size was set to 10 ha and land renting and hiring of labour were prohibited. Further land redistributions took place after that at irregular intervals to provide land to new households and to adjust farm sizes to changes in household sizes. This tenure system may therefore be seen as a safety net providing land to all rural dwellers. The use right to land was considered a strong human right that was guaranteed to all residents in a community. The reform was also a product of the 'Land-to-the-tiller' student movement and this created some tension and local variation in land allocation between 'needs' and 'ability to till' the land.

From 1975 the responsibility for rural land distribution was devolved to the newly established lowest administrative level, the Peasant Associations (kebele level). The land registry was used to ensure equitable distribution of land (redistributions) and for taxation of land and outputs from the land.

Population growth and high population pressure in the Ethiopian highlands has caused a fragmentation into smaller and smaller farms and farm plots. There has therefore been a growing concern that repeated land redistributions cause tenure insecurity that undermines incentives to invest on and conserve land and inefficient production on increasingly fragmented and tiny farm plots (Holden and Yohannes, 2002; Alemu, 1999).

The change in government in 1991 implied a shift towards a more market-friendly policy regime. Although land remained state property, short-term land renting and hiring of labour were allowed. Land redistributions were mostly stopped, except one land redistribution in the Amhara Region in 1997 that was politically motivated to punish those that had official positions under the previous regime, and smaller redistributions related to resettlements, irrigation projects and some communal land.

4. Recent changes in the land laws and regulations

The new government decentralised some of the land policy responsibilities to the regional level and regional land proclamations were developed, following but not undermining the federal land proclamation. This resulted in some diversity across regions in the proclamations, implementation rules, and timing of land registration and certification processes. We will draw on some of this variation in our analysis.

4.1. Federal land proclamations

The federal land proclamation, Proclamation No. 89/1997 part one, article (2)(3), has been one of the important options of access to land for the landless, land-poor and others, and has been means of earning income by those who rent out land.

The federal Land Administration and Land Use Proclamation No. 456/2005, contains a number of changes compared to the earlier one it replaced. These include Article 6 that gives the basis for the land administration system. It says that the size of rural land shall be surveyed (by cultural or modern surveying equipment) and that any holder of rural land shall be given a holding certificate (indicating the size, land use type and cover, level of fertility and borders, as well as obligations and rights of the holder).

4.2. Regional land proclamations and implementation rules (regulations)

SNNPR Rural Land Administration and Utilization Proclamation 53/2003 was replaced by SNNPRS Rural Land Administration and Utilization Proclamation 110/2007. The first of these was followed up with an Implementation Rule 16/2004 to supplement this law. The Environmental Protection, Land Administration and Use Authority (EPLAUA) was set up to implement it, and has in 2007 been restructured under the Department of Rural Development

We present a synopsis of the federal and regional land proclamations in the tables below. Afterwards we extract in more detail the parts of the laws and regulations that are of particular relevance for women.

The Oromiya Rural Land Use and Administration Proclamation No.56/2002 has been amended by proclamations no. 70/2003, 103/2005 and 130/2007. The most recent land proclamation in SNNPR and the last amendment proclamation in OR are harmonized with the 2005 federal land proclamation.

Table 4.2.1. Synopsis of Rural Land Administration and Use Proclamations

	Federal 2005	Oromiya 2002/2007	SNNPR 2003/2007
Land ownership	The Government is the owner of rural land		
Land access right	Any citizen of the country who is 18 years and above and wants to engage in agriculture for a living shall have the right to use rural land and get land free of charge	Any resident of the region (18 years or older), whose livelihood depends on agriculture or wants to live on this, has the right to get access to land free of charge.	Any <u>citizen</u> of the <u>country</u> (18 years or older), whose livelihood depends on agriculture or wants to live on this, has the right to get access to land free of charge.
Duration of use right	The rural land use right has no time limit	In accordance with the basic principle, land will not be subjected to sale or other means of exchange. The use right has no time limit. Property on the land may be sold.	In accordance with the basic principle, land will not be subjected to sale or exchange by any means.
Land measurement, registration and holding certificate	Land holdings of private persons, communities, government and non-governmental organizations should be measured using cultural and modern equipment, land fertility registered and a data base established by competent authority. Rural lands shall be given cadastral maps showing their boundaries. Land holders shall be given holding certificates prepared by the competent authority and indicating size of holding, land use type and cover, level of fertility and borders, as well as obligations of holders.		2007: Same as federal law + When change in possession right is made, the respective change in land certificate shall be made.
Transfer of Rural Land Use Right	Households with holding certificates can lease out land in a way that does not displace them. Investors who have leased rural land may present the use right as collateral. All land held through lease or rental shall be registered by the competent authority.	Any holder has the right to lease out up to half of the land under his/her holding. Duration of lease: 3 years if the renter uses traditional technology and 15 years if the renter uses modern technology (i.e. mechanization or the use of agro-chemicals and improved seed). It can be renewed upon notification to the authorized body. Renting is valid only if it is approved by local responsible organ. The minimum rent shall be at least the potential value of land set by the responsible organ. The one who rents in the land is responsible for proper land management. Subcontracting out is not allowed. If land is rented out, the book of holding remains with the holder.	Any holder has the right to lease out <u>half of the land</u> when there is <u>an agreement of the family</u> . <u>It has to be approved by the signature of the husband and wife</u> . The right to rent in land is given only to investors, peasants and pastoralists who would like to make their livelihood from agriculture. Duration of lease: 5 years in the case of traditional farming systems and up to 10 years if modern technology is used. If the renter is an investor then the duration can be extended up to 25 years. The contract can be renewed. Change in 2007: Lease duration of up to 5 years among peasants, 10 years to investors and 25 years for investors who cultivate perennial crops. Land should be returned to holder at end of contract. Contracts up to two years should be registered at kebele administration, contracts longer than two years should be registered at EPLAUA The rent should not be less than the minimum benefit gained from the land.
Land distribution	Land may be redistributed to landless people in case there is nobody to inherit. Redistribution may also be used in relation to irrigation investments to ensure equitable distribution of irrigated land. Redistributions may also be implemented based upon the approval of members of the community on condition that it does not lead to land fragmentation.	No redistribution except in irrigable land. Any peasant whose irrigation land holding is redistributed to others will be compensated with a reasonable rain fed land based on study. 2007: Land without heir should be distributed to the landless.	Irrigable land can be redistributed to ensure equitable distribution. Land of deceased without heirs will be redistributed to landless and land-poor households. Also, land redistribution shall be effective only if (a) it is supported by the community, (b) does not adversely affect the productivity of land, (c) supported by study, and (d) decided by law.
Obligations of land user	Land holders have an obligation to use and protect their land. Irrigated land must be used efficiently by growing high-yielding crops. The use right may be lost if the obligations are not met.	Holder is obliged to cooperate with neighbors on proper land management and to maintain and preserve farmland boundaries. The holder should not use erosive practices or cultivate steep slopes and rehabilitate land where necessary. Any land user engaged in agricultural activities shall be obliged to preserve and maintain conservation structures.	The holder should undertake appropriate soil and water conservations.

	Federal 2005	Oromiya 2002	SNNPR 2003/2007
Minimum holding	Minimum farm size should not be less than what is required to ensure food security of the family. Consolidation of holdings is encouraged but should be done through the kebele administration.	The minimum plot size should not be less than 0.5 hectares for cereals and 0.25 hectares for perennials. But the maximum irrigation land holding size of a peasant household shall not exceed 0.5 hectare.	The minimum size of land which is given shall not be less than 0.5 hectares for annual crops 0.25 hectares for perennials. Irrigable land shall not exceed 0.5 hectares. 2007: Minimum size for rain-fed land is 0.5ha and maximum size for irrigated land is 0.5ha.
Gender Issues	Jointly held land shall be prepared in the names of all the joint holders (e.g. husband and wife). This information shall be registered in a database by the competent authority.	In the event of divorce, husband and wife have equal rights to share their holding registered under their name considering the number of children, whom either of them will take care of after divorce. Husband and wife shall be jointly certified to their common holding land. In case of polygamy, a husband is allowed to get a joint certificate with only one wife and the other gets independently. 2007: Women have equal rights with men to possess, use and administer rural land under joint ownership but each is free to have his/her individual land with independent certificate.	Joint certification of husband and wife. Men and women have equal rights on inheritance of land. Husband and wife have equal rights upon divorce. Land separately held before marriage deemed common land after marriage. This is changed in 2007 to individual ownership right: Under the new law they do not lose their land holding that they possessed individually before because of their marriage.
Inheritance	Land use right can be transferred through inheritance to family members.	The holder has the right to transfer land to his family member living anywhere through inheritance. New 2007: Priority should be given to those that depend on holding or do not have other source of living	Has the right to transfer land to his family, but the land to be transferred should not be less than the minimum size. A family member is defined as any one who is permanently living with the holder by way of sharing the means of livelihood.
Mortgage of land and land-related investments		Any holder has the right to make land related investments such as planting trees, etc. Has the right to sell, exchange and bequeath the property developed on the land, but the right to sell, exchange and transfer does not include the "land" in which the properties are based in any condition.	Any holder has the right to sell, lease, bequeath and pledge the property produced by his labor or capital on the land. 2007: An investor may present his use right as collateral..
Land use planning	The competent authority shall develop land use master plan based on a watershed approach. An equitable water use system shall be developed. Free grazing shall be prohibited in land with soil and water conservation works. Bench terraces are required for growing annual crops on 30-60% slopes. Slopes above 60% shall be used for for tree planting and fodder production but not for farming and free grazing. Degraded land should be rehabilitated.	Regional master land use plan shall be prepared and made ready for use by responsible organ. For proper usage of unoccupied hills, degraded and unproductive lands, unstable slopes and mountainous areas, the responsible organ shall draw directives on their utilization and management based upon studies with community participation. All ravine lands, bushes, shrubs, woodland and grasslands shall be protected against fire, cutting for charcoal, and from illegal expansion of cultivation. Livestock production shall be encouraged to be made with the carrying capacity of grazing land. Free grazing shall be prohibited in sedentary farming areas.	The preparation of land use plan shall be implemented step by step. 2007: Same as federal proclamation except: Free grazing shall be prohibited and cut and carry feeding shall be <u>gradually</u> introduced on conserved land. User who has mismanaged land may lose the user right
Tree planting and management		Land users are obliged to protect mother trees found on their holding. Any land user is obliged not to plant tree species like eucalyptus and euphorbia on farmlands and around water sources. 2007: Trees that damage the land should not be planted but productive trees having economic and environmental advantages should be planted	Trees like eucalyptus should be planted far away from farmland and water sources.
Land dispute and resolution	Disputes that cannot be resolved through local negotiation should be resolved based on regional land administration laws	Land disputes can be resolved by (a) local social court, (b) then appeal to the woreda court, and (c) if the two first decisions are different it is possible to appeal to the higher court. Note that mutual agreements and local elders can be used to resolve conflicts. 2007: Land disputes should be solved	The case first goes to the LAC and EPLAUA administrations at kebele and woreda levels. If not satisfied, can apply to the kebele social court, then can appeal to the woreda court, and finally, has the right to apply to the higher court. Mutual agreements and local elders can be used to resolve conflicts.

		locally with the help of elders (local conflict mediators selected by each party). If dissatisfied with the case it can go to the woreda court and to higher courts after that.	2007: Land related disputes will be seen first by the kebele land administration committee and will then go to be resolved by negotiation and arbitration through local elders by the choice of the two parties. Parties not satisfied with the outcome may appeal to the woreda court.
	Federal 2005	Oromiya 2002/2007	SNNPR 2003/2007
Loss of use rights		A holder will not lose the right to use land even if he/she leaves the kebele of residence. The use right of the family will not be affected if either of the husband or wife or both leave the area where the land is found. But failure to use land in each season except for restoring fertility of the land might lead to termination of use rights. 2007: Land use right is lost if land is unused two consecutive years or if land conservation is neglected. Details will be provided by Oromiya Agricultural and Rural Development Bureau.	A holder may lose use right after oral warning and two written warnings: (a) if fails to implement soil conservation and as a result the soil is eroded; and when the holder does not plant trees suitable to the environment, and (b) if left fallow land for more than two years.
Expropriation of land and compensation		If land is required for more important public uses and decided with the participation of the community. Allowed to remove permanent property or to claim payment of compensation or compensation of similar land.	When needed for governmental or public use with full compensation. 2007: Compensation for land in case of eviction is to be determined by the rural land regulation of the region.
Certificates/ book of holding/title deed		Joint certificate of husband and wife with photo of head of household. Names of children may also be included. 2007: Husband and wife with joint holding shall be given a joint certificate of holding including both their names. Husband and wife can also independently have a holding certificate for their private holding.	Joint certification of husband and wife with space for photo of both of them. Names of children may also be included. The certificate remains with the holder if land is rented out

4.3. Elements of the laws of particular importance to women SNNPR, Proclamation 53/2003

Paragraph 6.6. “If the possession of the divorced spouses can't be divided and they are under the condition that they are unable to work together, one of the spouses shall be given another land. The payment of the estimation of the fruits of the land remain on the land shall be paid to the spouse who left the land. Details shall be determined by the regulation.”

Paragraph 6.10. “the possession of land each of the spouses has personally before marriage shall be deemed as the common possession, after they concluded their marriage and by the title deeds issued to them commonly it shall be made that they make to register their respective personal possession. When they enter in to marriage, (conclude marriage) the renewal of title deeds shall be made accordingly.”

Paragraph 8.1. “The spouses shall get title deeds for the proof of their common possession. A husband having more than one wife shall be permitted to get title deeds for the proof of common possession only with one wife. Details shall be determined by the rule.”

Paragraph 8.4. “The family shall not lose the right of using their holding in case of leaving the area or death of the husband or wife or both.”

Paragraph 8.5. “When change of possession right is made, the respective renewal of title deeds shall be made.”

Paragraph 25. 2A. “To protect against violation of the rights of women and children the competent authorities shall be responsible to attend their affair and ensure that the rights stipulated are observed.”

SNNPRS Implementation rule 16/2004

Marriage and divorce:

I.R7.3:

- A. “Husband and Wife shall be jointly certified to their common land holding.
- B. If the household head is a woman, she shall be given a title deed in her name for her land holding.
- C. If the husband and wife possessed land individually before their marriage, they shall be registered in one title deed after marriage. If their land holding is located at different PAs, they can use the one and lease the other one or they can use by any other means they prefer.
- D. Women who possessed land and whose livelihood relies on agriculture (those women, whose husbands live in another place due to governmental services or any other duties) shall be given title deeds in their name.
- E. Without prejudice to this rule and proclamation No 53/95 upon divorce, if the land holding of the husband and wife could neither be divided nor could they use jointly, then they can use their land holding in common by any other means they prefer, details will be worked out by the responsible organ.
- F. Maintaining the condition under this article sub article ‘E’ when their land holding could not be split, considering the number of children and their age, whom either of them take care of after divorce, the land holding right shall be given to the one who carries much burden and the other one shall be given an other land alternatively.
- G. If divorce occurs during cropping season, either of them shall take care of the crop in the field until harvesting time and they shall equally share the yield after harvesting.
- H. Whenever divorce occurs, farmland division to the husband and wife shall be accomplished after harvesting time.
- I. When decisions are made upon divorce by legal bodies at all levels, special protection shall be given to women on the basis of the law to guarantee their land holding right.”

Inheritance:

IR:12.

- A. The proclamation states that any peasant or pastoralist has the right to transfer his land holding to his family, however, the land to be transferred shall not be below the minimum size.
- B. Whenever inheritance may cause parcellization of farm plots below the determined minimum which is specified under sub articles of article 11 of this rule, the heirs shall either jointly use the land or use by other means they prefer instead of splitting the plot.
- C. Men and women have equal right on inheritance of land and any other issues related to land.

Rural land lease:

I.R.13

“Maintaining the condition under article 7(1) of the proclamation, any legal person who is given the right to use land and regarding to his right to lease it, the implementation follows:

- A. Any peasant or pastoralist can lease out plots of land under his holding, when there is agreement in his family. The agreement will be approved by the signature of the husband and the wife.
- B. Any peasant or pastoralist has the right to lease out up to half of the land under his holding, so that the remaining land could sustain the peasant's family yielding produces that meet the annual food consumption of the family.

SNNPR Rural Land Administration and Use Proclamation No. 110/2007.

Section 2, Paragraph 5.5

“A husband and wife have equal use right on their common land holdings. They do not lose their land holding because of their marriage that they possessed individually before. Details shall be determined by regulation”

Proclamation of Oromiya Rural Land Administration and Use No 56/2002 (amended 70/2003).

Paragraph 6.6. “Upon divorce, husband and wife shall have equal right to share their holding – land, that was registered by their name, maintaining the condition under article (8) of this proclamation considering the number of children, whom either of them to take care of after divorce.

Paragraph 6.7. “Women, orphans, physically weak or aged and to similar others, shall use hired labour on their holdings, or to, otherwise, make agreements thereto.”

Paragraph 6.8. “If the agreement made according to this Article sub-article (7) is for more than three months, the agreement shall be in a written form and be recognized by legal body”

Paragraph 15.2. “Husband and wife shall be jointly certified to their common land holding.”

Paragraph 15.4. “In a polygamy marriage, a husband is allowed to get a holding right certificate with only one of his wives, and the other shall get independently.”

Paragraph 15.5. “The use right of a family shall not be affected if either of the husband or the wife or both leave the area”

Oromiya Rural Land Administration and Use Regulation 2003

3. Responsibility given with the right to access and use rural lands:

R3.8: “Upon divorce, husband and wife shall have equal right to share their land holding, maintaining the condition that the minimum plot size should not be less than 0.5ha for cereals and 0.25 ha for perennials. If sharing is not possible to maintain the minimum size conditions, they can use in the following ways:

- a) One can pay at once or by year to the other upon agreement by estimating the production that can be obtained and use the land or,
- b) One can pay rent to the other upon agreement, or
- c) One can leave his land use right to the other based on interest and agreement. This agreement should be known by responsible organ and the use right should be shifted to one side.”

R.3.9: “According to the condition under article 8.c) if husband and wife agree to use their land in different ways, which could not be shared due to the minimum size of their holding, that is less than 0.5ha for cereals and 0.25 ha for perennials, the land use right remains the be equal and registered by both of them.”

10. Land Use Right Security

R10.1: “In the case of polygamous marriage, a husband is allowed to get a holding certificate, together with all his wives but a wife living far away or involved in other business has not right to get the holding right certificate.”

R10.2: “A husband having wives living at different areas get holding certificate with only one of his wives and the others shall get separately, based on the guidance made by the Authority.”

OR Proclamation No.130/2007 to amend proclamation No. 56/2002, 70/2003, 103/2005 of Oromiya Rural Land Use and Administration

Article 15.8: “Husband and wife holding a common land holding, shall be given a joint certificate of holding specifying both their names.”

Article 15.9: “Without prejudice to sub-article 8 of this article, husband and wife having equal right in using the land registered in their names can also independently have a holding certificate for their private holdings. The details shall be decided by a regulation.”

5. Description of the land registration and certification system

The Federal Ministry of Agriculture and Rural Development has been given the responsibility to implement the Rural Land Proclamation by providing professional support and coordinating the competent authorities. The ministry should also link the work at federal level with that at regional level and provide inputs for policy making.

Each regional council is responsible for developing regional land proclamations and additional regulations or implementation rules that will guide the competent organs at regional, district (woreda) and community (kebele) levels. The regions are also responsible for developing competent land administrations and providing the necessary resources for their activity.

This chapter aims to address the following:

- Assess whether the land reform is sustainable in terms of the land administration system.
- Describe the system by which land certificates are awarded in the study areas, including the *de jure* and *de facto* system, from the beneficiary or user through to the government offices in charge of records emphasising the pro poor aspects. Work out provisional costs for the allocation of a land certificate, to the state and including that paid by the user/beneficiary.
- Evaluate to what extent the land certificate system is scalable to address the wider tenure security problems in Ethiopia;
- Evaluate to what extent the land certificates can be upgraded to registered properties at some later date, and to what extent the system is capable of being integrated into the registration system;
- Assess the administrative quality of the implementation process, the degree of participation, the level of commitment and knowledge at different levels, the gender implications and the constraints to achieving the full gender benefits from the reform.

5.1. Administrative structure and geographical coverage

Oromiya region is the largest and most populous region in Ethiopia, covering 32% of the country's area and having more than 4.4 million rural households and between 17 and 20 million parcels of land. The region has 200 woredas and 6000 kebelles.

SNNP region has 104 woredas and 4431 kebelles. It has about 1.75 million households.

Land administration is organised as a Department under Bureau of Agriculture and Rural Development in the Oromiya and SNNP regions.

5.2. Staff and training

Esata and Guteta (2006) indicate that 25000 LAC members from 5000 kebelles in Oromiya region have been trained in land surveying and registration.

Based on information regional land administrations we were informed that the plan has been that the land administrations at woreda level should have 6-8 staff. In reality they have only 2-3 persons, meaning that they are seriously understaffed and that cause them to be unable to do all the work that is expected. Priority has typically been given to following up the land registration and certification but there have been delays in the process from registration to certification because of all the work with filling registry books and lack of stationary. Another consequence is the limited dissemination of information material and training. A high

turnover of the staff in land administrations add to the difficulty of keeping and building competence in the administrations.

We investigated the staffing situation in our case study woredas in OR and SNNPR. A summary of the staff situation is presented in Table 5.2.1. We see that the number of staff is quite good with eight in Arsi Negelle, ten in Sashemene and Wondo Genet and two only in Wollaita but Sashemene and Arsi Negelle are larger in terms of number of kebelles to cover. In Wollaita there has been a change in woreda borders recently and after land certification took place. The records were therefore not all brought together in the new woreda centre. We therefore had some problems getting good information there.

We also see that all the staff are males and that Wondo Genet has better qualified staff, probably because of the USAID funded pilot program there. We also found that the staff in Wondo Genet had received considerably more training than the staff in the other study locations. This was particularly the case because they were trained in use of the more advanced technologies applied there with use of GPSs and computers for registration and creation of maps of plots. Staff satisfaction with training and accomplishment was generally low but better in Wondo Genet and Sashemene than in Arsi Negelle. None of the woredas had computers and it appeared that their system of record keeping was poor due to lack of cabinets, shelves and poor office conditions. The woredas have not yet started updating the records in relation to marriage, divorce and inheritance cases. This means that unless this system is quickly put in place, the records will get outdated and deteriorate and the benefits of the investments in registries will not be sustained.

Table 5.2.1. Staff profile of Woreda Land Administrations

	Arsi Negelle	Shashemene	Wondo Genet	Wollaita
Number of rural kebelles	47	38	18	16
Number of staff	8	10	10	2
Permanent	5	3	4	2
Contract	3	7	6	0
Qualification				
First degree	0	1	2	
Diploma	2	1	6	2
Certificate	3	6	0	
12 grade complete	3	2	2	
Sex				
Female	0	0	0	0
Male	100	100	100	100

5.3. System of land registration and cadastre

Different approaches to land registration have been chosen in the different regions in Ethiopia. Only Oromiya region introduced the unique parcel identifier (PI) system giving every parcel of land a unique number. The different regions also are not using the same format to record land registration information. The PI system is essential to establish a link between the registry and graphic information on maps.

Information is recorded in a hierarchical system from region at the top and down to zone, woreda (district), kebele (community), land holding, and parcel. Existing registration books have not been developed in a way that facilitate easy updating of the information when

holdings are subdivided or transferred to new owners. Adopting the PI system is therefore recommended in all regions and will facilitate more easy recording, utilisation and updating of information (Marquardt and Bekure 2006).

The basic characteristics of the land registration systems and processes in Oromiya and SNNP regions are presented in Table 5.3.1.

Table 5.3.1. Land registration systems and processes in Oromiya and SNNP regions

Information	Oromiya	SNNP
Recording format	Manual	Manual
Registration system	Low-tech. traditional title registration	Low-tech traditional title registration
Right being registered	Use right	Use right
Registered right holder	Single or joint titling (spouse), local government and communities for communal land	Single or joint titling (spouse), local government and communities for communal land
Registration of polygamy	All wives are registered and get joint title	Joint title with one wife
Land registered by	LAC	LAC
Consultation with community before registration	Yes	Yes
Level of implementing authority	Kebelle	Kebelle
Registry book kept at woreda	Yes	Yes
Records entered in registry book by	Woreda land administration team experts	Woreda land administration team experts
Registry books and space for information	Woreda level books have very limited space for information. Only one line for all information on the landholder, including serial number for certificate, date of issue of certificate, name and signature of registrar, name and signature of holder, name of person to whom the holding is transferred, area in ha of holding transferred, date of holding transfer. Only space for information on a limited number of parcels, leaving room only for a summary of field data.	Woreda level books only record information at household level. Form 2 is used to register information from Form 1 to be included in land registry books. Land registry books are of two types, a small one for kebele level and a large one for woreda level. No system for updating of information has been developed.
Parcel identification	Unique parcel number	Parcels registered by holding
Parcel data collected	Parcel area using traditional measures and in hectares, land	Data to be collected in Form 1: Location of parcel, name of

	quality, land use, names of neighbours. “Form 1” is used for this but only has space for 3 parcels while many households have many more parcels, half of the space on the form is for demographic data that have to be repeated if households have many parcels.	landholder, name of legal guardian if orphan holder, number of parcels of landholder, area of parcel, names of neighbour landholders, current land use type, soil fertility level, family members of the landholder household.
Information on land certificates	Name of holder, name of spouse(s), family members’ names and relation, address of land holder, ID number of land holder, landholding data: parcel code, land use, area, land quality, transfers. Location of parcels, names of neighbours of each parcel, photo of landholder.	Name of holder, name of spouse, family members’ names and relation, address of holder, photo of holder and spouse (optional),

Sources: Abebe, 2006; Esata and Guteta, 2006;

5.4. Land certification system and process

Issuing of land certificates has been planned to be carried out in two stages. The first stage is to issue certificates with names and photos of the land holder (and spouse in SNNP), list of land parcels with their size, location, names of neighbours, soil fertility status and land use. The second stage certificates that are planned and implemented in selected pilot woredas also include maps of the parcels, GPS positions and are registered in cadastral maps.

The first stage certificate comes as a small green book in both Oromiya and SNNP regions. A difference is that the SNNP book leaves space for photo of both main holder and the spouse, while there is space only for photo of the main holder in the certificate book of Oromiya region.

Households pay a fee of 5 EB for the certificate in Oromiya region and 2 EB in SNNP region. In addition they have to pay for photos. The cost of photo was 4 EB. In OR they had to have a photo to get certificates but only required photo of the head of the household. In SNNPR they had space for photo of both husband and wife but it was optional to have photos in the certificate. In our case study area in Wollaita almost all households had photos of both husband and wife in their certificates.

Based on Zevenbergen (2005) we may describe the procedure of land registration and certification in Oromiya region as follows:

- woreda staff is trained by regional experts
- LACs are established at kebele level but have representatives from the different sub-kebelles
- woreda staff train some of the LAC members
- trained LAC members train the rest, as well as the whole community
- registration starts by demarcation of the kebele and sub-kebele boundaries
- demarcation of land of public institutions and communal land
- demarcation of individual plots by filling in form 1 in the field
- processing per household by filling in form 2 at kebele level
- discussion in community about results (not always clear if there is a big meeting)

- legal procedures of complaints are dealt with (first at social court, then at woreda court if necessary)
- woreda staff should make their books of register (and certificates), kebele only retains the forms
- household heads provide photos (cost is 4 EB) for their land certificates (compulsory) before certificates are issued
- LACs deliver photos at woreda level and collect certificates and bring back to their kebele
- certificates can be collected at kebele level by land holders at a price of 5 EB.

SNNP:

- A needs assessment is done in a woreda, which includes attitude of the farmers towards certification
- then pilot sites were selected and undertaken in 2004
- awareness workshops held at zonal and woreda levels
- training of woreda staff in measurement
- establishment of sub-kebele land administration (and use) committees (LACs)
- training of the LAC members and development agent at one of four training centres
- kebele and communal boundaries assumed known
- demarcation (and surveying or estimation) of individual plots (boundaries fixed in terrain) by LAC and development agent
- discussion within sub-kebele (not always meeting)
- legal procedures of complaints are dealt with (before at social court, but they now have to refer to the woreda court (circular from the justice dept.)
- kebele book of register are self-designed (and filled locally)
- woreda books of register are very big in size and only contain information aggregated at the household level, they are prepared at woreda level
- certificates are prepared and signed a woreda, photos added in kebele, and stamped there
- certificate costs 2 EB, photos to be added an additional 2 to 4 EB.

(Zevenbergen 2005).

5.5. Role of Land Administration Committees

Deininger et al. (in press) present data from a national-level survey in Ethiopia from 2005 which included an assessment of the role of LACs. The committees should have been established by popular vote and required inclusion of at least one female member. The LACs were given the highly labour-demanding responsibility to implement field-based land registration. The field survey revealed that female participation was low in OR (8% of surveyed LACs had female members) and this may be due to the heavy work-load and the need to stay away from home much of the time during registration.

Our study in Southern Ethiopia revealed that the LACs in OR and SNNPR were established at kebele level and typically had five members, with representatives from each sub-kebele. We did not come across any kebelles with female members. Such a requirement has not been imposed because the work was considered heavy and time-consuming.

In Sashemene woreda the Woreda Land Administration trained LAC members to do the registration of land in the communities, and fill Form 1. The LACs also handled the distribution of certificates after the process was finished. The Woreda Land Administration had not assigned any further jobs to the LACs after completion of registration and certification. The LACs were not involved in land conflict resolution or registration of land

rental contracts. The latter was taken care of by the kebele leader. In Arsi Negelle the situation was similar but there the LACs were responsible for registering land rental contracts.

According to the new land proclamation LACs will have a more instrumental role in relation to conflict resolution in SNNPR. Parties who need help to solve their land-related disputes will first have to contact the LAC. The LAC will then assign conflict mediators to help resolve the case. If this does not work out the case will be forwarded to the woreda court. This new law strengthens the role of local land conflict mediators and reduces the LACs and Woreda Land Administrations' responsibility for resolving land disputes. Our perception was that the court and the land administrations tended to push the responsibilities for this to the other party and this caused a grey zone where nobody took full responsibility. It is to hope that the new system puts the responsibility where disputes are more likely to be resolved by people with expertise in law and conflict resolution, however, we have not been able to assess the knowledge of land laws among woreda court judges.

We may make a comparison with the situation in Tigray Region in northern Ethiopia where land registration and certification was introduced in 1998 without establishing LACs at community level first. There they had given short-term training to young (students) staff that were temporarily employed for the purpose. In addition, elders from the communities were involved together with community officials and the people themselves in the registration process. In 2005/2006 they also established Land Administration Committees not only at kebele (tabia) level, but also at sub-kebele (kushet) level. They had also first developed a detailed regulation with rules about the election and composition of LAC members. One of the requirements is that the LAC should have at least two female members. Such a requirement of female representation was discussed at an early stage in OR and SNNPR but left out because of the heavy burden of registration and certification. Since registration and certification already has been completed in Tigray (although there may be a need for updating and completing/improving the registration and demarcation) and since they have established the committees at sub-kebele level it may be more feasible with female representation given the heavy burden women typically have at home. A similar approach may also be good to follow in the south after the first heavy registration work has been finished.

5.6. System for conflict resolution

Traditionally conflict resolution has been dealt with through local mediation where the parties involved in a dispute sought help from local elders (conflict mediators) if they could not resolve the conflict themselves or they went to the kebele level social court. Social court judges typically make decisions based on traditions rather than according to the law. This may make it difficult for women to get support according to the law. It may also be difficult for women to take their case to the woreda court. Social pressures on women may be very heavy if they take their cases to court and many give up for that reason.

With the land proclamation of 2003 in SNNP the responsibility for conflict resolution was shifted from the social courts to the LACs at community level and EPLAUA-desk at woreda level. If these organs could not resolve the dispute, it would go to the woreda court. Local practices have, however, varied on how this is done. In some places the social courts are involved in dispute resolution, in some places the kebele leaders are involved, and in some places the LACs and EPLAUA-desks at woreda level are involved. One of the problems has been that the people in these organs lack training in law in general and may lack detailed knowledge of the land proclamation. This may also be one of the reasons for LACs and EPLAUA at woreda level hesitate to get involved much in conflict resolution. The other is

their limited capacity due to the heavy workload in relation to land registration and certification and the understaffing at woreda level.

There are also capacity and competence problems in the woreda, zonal and regional courts. Court judges have not received sufficient training on land proclamations and land dispute issues, including gender issues. Since land disputes often relate to location-specific issues that should be observed by the judges it is better that such disputes are resolved locally.

With the new land proclamation of 2007 increased emphasis is put on local mediation as it is realised that local mediation is the best especially in cases like border disputes. However, the proclamation requires that inheritance disputes are to be handled by woreda courts. There is also an important change in the most recent proclamations in OR and SNNPR. In the earlier proclamations anybody in the family could inherit the land, but in the new ones family members who do not have other jobs, and who depend on the land, will get priority.

Rahmato (2007) has studied conflict resolution related to land conflicts in South Wollo in Amhara region and in Wollaita in SNNP region. Land disputes were usually resolved through the services of traditional elders before certification was implemented. With the land reform this was changed such that disputes are taken to the LAC committees at kebele level and if not resolved there to the social court at kebele level, and from there to the woreda court. This indicated a reduced dependence on the traditional mechanism with use of elders for conflict resolution. However, we see from the new land proclamations of 2007 for SNNP and OR that these again emphasize to use local elders for conflict mediation. This may be seen as a formalisation of the traditional practice with local conflict mediation. If this also could be combined with more systematic training of local conflict mediators to increase their knowledge of the law, this would be helpful, but would also require more resources than are now available to the land administrations. Since traditions tend to disfavour women it appears particularly important to develop a system for training of conflict mediators to ensure that they give women a fair treatment according to the law rather than according to traditions where these deviate. Setting up such a system for training of conflict mediators appears to be a very good and clearly identified task that even could be especially attractive to fund by donors. It would require employment of at least one staff at woreda level with competence in law to organise this activity.

Rahmato (pers.com.) also warns that such an attempt to formalise the informal conflict mediation mechanisms can cause damage to the traditional system if LACs are to identify the local conflict mediators instead of the parties involved in the dispute themselves agreeing on such impartial respected persons for the purpose. There is a risk that election of LAC members is politicised and if so the same may be the case with selection of conflict mediators.

Rahmato (2007) also investigated the potential for providing free legal services for the poor. The majority of households were positive while government officials were more sceptical and some who believed the court system was corrupt thought that such a legal service would get substantial resistance both in courts and in government organs. This would, however, require further investigation.

Holden et al. (2007c) managed to get good cooperation with courts when investigating the effects of land certification on land-related disputes in Tigray region. However, when we approached the courts in our selected districts in Oromiya Region they demanded high payment for providing information. We therefore had to give up getting good information

from the woreda courts. We therefore resorted to do a survey of local conflict mediators to get their perceptions, assess their knowledge of the law, and their attitudes related to the gender aspects of the land reform. We present findings from this survey in chapter 9.

Rahmato (2007) found that more households had more trust in the traditional way of conflict resolution than in conflict resolution through the formal court system. This implies that local conflict mediators also should have a better perspective of what is going on on the ground than court judges in woreda courts may have. Holden et al. (2007c) also found that the woreda court files did not reflect well what was going on on the ground. They found an increase in the number of land-related cases handled by woreda courts in Tigray but explained that primarily by an increase in the capacity of the courts to handle cases while a survey of local conflict mediators and households indicated that the number of land-related disputes had been reduced during and after the land certification. The large majority of cases never reached the woreda courts.

In our final field investigations in November 2007 in Sashemene woreda we found that they have introduced a new system for conflict resolution. Kebelles have received a letter from the woreda council to appoint ten persons for conflict mediation. Kebele level Women's Affairs had also received letters asking them to support in solving disputes in the community. In one kebele we visited they had selected ten conflict mediators for this. In another kebele they had selected three conflict mediators, two religious leaders and five persons that were involved in development activities in the kebele. The three conflict mediators were also party members and were the leaders of the group. In the first of these two kebelles these ten conflict mediators had now taken over all conflict mediation there and the social court was not active any more in relation to land disputes. In the second kebele the social court was still active. It appeared that also traditionally the parties involved in the disputes in these kebelles did not select conflict mediators themselves but this was done by the community. Land Administration Committees were not involved in conflict resolution. This is in line with the new proclamation in OR where the land administrations are more responsible for technical issues while dispute resolution is taken care of by local conflict mediators and woreda courts. The LACs may be consulted in relation to border disputes and other land-related disputes where they may provide technical information.

We also investigated some households that had been involved in land-related disputes in our case study areas. We present some of them in Appendix 4. These cases also gave us indications that corruption is common and those with influence and money may be able to win cases regardless what the law says. Focus group discussions with conflict mediators in some kebelles in Sashemene and Arsi Negelle woredas gave us the same impression. Conflict mediators in Arsi Negelle considered there to be a problem both in kebele social courts and woreda court. They considered the court judges to be careless and not to solve conflicts properly. They tend to be biased in favour of their ethnic group and relatives and demand money. Decisions were not based on the law and regulations. When we asked them what they thought should be done about it, they stated that the government should intervene and employ more educated persons in these positions. More research is needed to assess the scale of this problem. In chapter 9 we provide evidence on the perceptions of conflict mediators in our study areas.

Disputes may not only be among neighbours and family members over border, divorce and inheritance disputes. The number of cases related to land takings for public purposes is increasing and particularly so in peri-urban areas. Partly this happens because of expansion of

rural towns (municipalities). It is not yet quite clear who is responsible for finding alternative land or for compensating households in such cases. The municipalities tend not to compensate or give very little compensation to those who have lost their land and the rural kebelles that have lost land to the municipalities also may lack alternative land to provide to those that lost the land. If land is available and used for compensation, it is often of poorer quality than the land lost. The municipalities also typically lack funds to compensate households with cash. We refer to a recent study (ELTAP, 2007) for more detailed information about land takings and land compensation issues.

One of the consequences of the low probability of compensation and a high probability of losing land if you live in such an area, is that many households resort to illegally selling their land. They may then get a better price than the compensation they are entitled to (but may not get). Those who buy such land typically have connections such that they can make sure they can keep the land when the municipality takes over the land. The legal security is, however, very weak for the poor in such locations.

Can then households that have been exposed to land takings by local governments be able to get legal support to fight for their rights to get fair compensation? Rahmato (2007) investigated whether households believed they could bring their case against the government to court. Most people's perceptions were that this was not possible. ELTAP (2007) found many cases where the local government illegally had evicted households with force (using police) and without providing compensation.

New compensation laws (FDRE, 2005; 2007) have recently been introduced but they have not been implemented yet and they do not solve the liquidity problems of the local authorities. Some of the basic elements of the new law include; compensation should be paid in advance, land should be handed over within 90 days from payment of compensation, compensation should be based on replacement cost of the property, received compensation for permanent improvements on the land should be equivalent to the investment costs, and received displacement compensation should be equivalent to ten times the average annual income secured during the five years preceding the expropriation of the land. Expert committees are to be appointed to do the valuations based on the basis of a valuation formula. Households entitled to compensation may complain on decisions to the woreda or municipality court within 30 days and the court's decision will be final. An important element of the regulation (FDRE, 2007) is that any person who claims compensation shall produce proof of legitimate possession of the expropriated landholding and ownership of the property entitling compensation. This means that households that have not received land certificates may face problems getting compensation if their land is taken for public purposes. But as we have seen, even people with certificates face a high risk of being evicted without compensation as local governments appear ignorant about acting according to the law.

ELTAP (2007) found that local governments do not yet practice these new laws and seem not to be aware of them. The laws imply that the *de jure* rights of poor households that are exposed to land takings have been strengthened but *de facto* this has not yet been implemented. In practice it appears that the government institutions favour the interests of investors and those government organs demanding land to be expropriated. Poor households that refuse to comply with the requirements to leave their land may be removed by police and even imprisoned without getting any compensation and also having very small chance of getting their legal rights through the court system. Court judges also appear not to be familiar with the legal rights of evicted households.

5.7. Up-scaling and completion of activities

The land registration and certification has been implemented in 166 woredas and 5000 kebelles in OR where Land Administration Committees (LACs), leaving out the pastoral areas in the region from the land reform. Esata and Guteta (2006) estimate that 2.5 million rural households have been completed in terms of surveying and registration.

In SNNP the registration and certification started with a small pilot in 2004 covering 11 kebelles from 11 woredas and 7500 households were registered and provided certificates. Based on this scaling up was decided and the plan was to register and certify 1 million households in 2005, out of these they managed to complete 700 000 (Haile and Zeru, 2006). We were informed by the time of our survey in 2007 that 1.3 million households had been registered and surveyed and about 1 million households had received certificates (Zeru, pers. com.). They expect to register 2 million land holdings altogether and to finish this in 2007/2008, the pastoral areas will not be included. Resistance against the reform in some of the administrative zones is explained as the reason for the delay. The region has 13 autonomous zones. Sidama is one of these where the leaders have not been committed to the reform and have not allocated resources for it.

For the four regions of the country where land registration and certification has been implemented it is estimated that 6.2 million out of 13 million rural households have completed registration and first level certification. The plan is to complete the remaining 6.8 million households in the coming five years (Abebe 2006).

The pilot program with intermediate technology aiming to issue certificates with cadastral map for 225000 households in 24 pilot woredas (6 per region) in the four regions is aiming to complete this in three years (2006-2008). It is too early to say how far this will succeed but we see that the Wondo Genet woreda in SNNP that we included in our sample and that is one of the 24 pilot woredas lags behind in meeting this target.

As a broader perspective of the land registration and certification program in Ethiopia is whether it may be replicated in other countries in Africa. It is important to recognize some of the unique features of Ethiopia, such as Ethiopia being almost the only country in Sub-Saharan Africa that has never been colonised; it had a radical land reform in 1975 when all land was made state land and an egalitarian land distribution (and later redistributions) of user right took place, peasant associations were established at local level as responsible local government organs. These reforms may not have eliminated the traditional local power structures but the power of the landlords in Southern Ethiopia was definitely changed drastically.

If we compare with another very poor densely populated, landlocked country in Africa with high dependence on agriculture as a livelihood of the majority of the population and as a source of export income, Malawi is such an example. Malawi has also recently explored the opportunities for a land reform (Holden, Kaarhus and Lunduka 2006) but the process has stopped primarily due to resistance from the local chiefs. The chiefs have a central role in relation to land administration and conflict resolution in Malawi. The reform intended to create more transparent and democratic local land administrations but this would cause the local chiefs to lose much of their power and this may be a main reason why the reform has therefore not been passed through the parliament. Still we think that many technical aspects of the way the land registration and certification was implemented in Ethiopia would also be

implementable at a low cost in other poor countries like Malawi but whether such interventions would be successful, would always depend on the local power structures, the demand for such reforms in civil society, and the commitment and integrity of the land administration staff and other government organs that may influence the success of such a program.

5.8. Assessment of costs of registration and certification.

Deininger et al. (in press) estimated the costs of land certification to be 29.5 EB per household and 8.3 EB per plot when including the cost of land administration committee members at a rate of 6 EB per day. This was close to another estimate by Alemu (2006) of 7 EB per plot. A more advanced high-precision process with total stations was estimated to cost 49.2 EB per plot at 175 EB per household, while use of handheld GPSs would yield a cost of 12.8 EB per plot and 45 EB per household. These costs compare very favourably with estimated costs in other African countries where certificates have been distributed on demand at costs ranging from 7-10 US\$ in West-Africa to 40 US\$ per parcel in Uganda (Deininger et al. in press).

Bekure (2006) has provided the following estimates of costs of alternative cadastral surveying technologies.

Table 5.8.1. Costs of rural land surveying

Method	Accuracy	Cost in EB/ha	Application
Measurement with rope only		13	Most rural areas
Rope and handheld GPS with centroid reading		15.70	Most rural areas
Handheld GPS corner readings	5-15 meters	80.40	Most rural areas
Compass/Tape		291.80	Inappropriate in all areas
Total station	0-1 meters	117.41	High potential areas

Source: Bekure, 2006.

We see that costs are moderate when only using traditional technology and also increases only modestly if land parcels are registered with handheld GPS with centroid reading only. The accuracy level of handheld GPSs is very limited making estimation of areas of small plots uncertain (rope and measurement tape may yield more accurate estimates). The advantage of handheld GPSs is that they identify with sufficient accuracy the location of plots and this can be included in cadastral maps. Accurate measurement of plot sizes may be feasible with appropriate geometric mapping of plots, e.g. by triangulation, at a reasonable cost. Use of total stations and compass/tape become too expensive to apply in most rural areas. The added value of use of handheld GPSs with an accuracy level of +/- 5-10 meters with corner readings is also questionable. It may not yield more reliable plot size estimates and does not give accurate location of plot corners or borders and may therefore not be helpful for resolving plot border disputes because such disputes may even burst if someone pushed a border one meter at the expense of a neighbour. It is therefore not likely that the use of GPSs for corner readings will contribute to reduce border disputes. Better border demarcation and the participatory process with neighbours being witnesses for each others' borders together with local officials and land administration staff is likely to be the main mechanisms that will reduce the number of such disputes. Use of handheld GPSs for corner readings was estimated to be six times more expensive than use of traditional methods only. Use of total stations giving a sufficient accuracy to identify parcel corners and borders is nine times more expensive than use of traditional methods and is too expensive for rural land registration but

may be applicable in high potential areas (peri-urban areas, commercial farming areas, resettlement areas).

5.9. Main constraints as perceived by the land administrations

Too small budget

The land administrations lack funds to buy motorbikes to reach out to far away kebelles. They lack kebele offices, and office furniture like shelves to keep the documents.

Lack of staff and high turn-over of staff

Staffing at regional level is sufficient but most woredas are understaffed. Each woreda land administration should have six persons to be able to do the job and most of them have only two persons, but there is quite a bit of variation across woredas. The situation is better in the six pilot woredas financed by USAID. The pilot woredas are computerised, have two bicycles and will use GPSs for the registration and the staff is trained to use this equipment.

Resistance against the reform in some zones and woredas

There is scepticism and resistance against the land reform at administrative level in Sidama zone. This has implications for budget allocation and possibilities for implementation. The regional land administration thinks there is a demand for the reform among households also in this zone.

Land dispute resolution

Land administrations do not feel they have the competence and capacity to take on the responsibility for conflict resolution. In SNNPR where they have been given more of this responsibility, the effect may have been that people who have disputes have fallen between chairs as it has not been quite clear whether it is the courts or the land administrations that is the proper organ for dealing with the disputes. The most recent land proclamation may help to clarify these issues if it is followed up with a more detailed and clear regulation.

5.10. Policy recommendations

Based on our review of the laws, the land administration system, the legal and informal systems for conflict resolution, we present a few policy recommendations as to how women's land rights could be strengthened further by improving the quality of the land reform.

- 1) For women the legal rule establishing co-ownership of land upon marriage appears important under the current virilocal practice. The recent change in the laws in OR and SNNPR allowing individual ownership can undermine the rights of women and can make them landless upon divorce or death of the husband. It is therefore recommended to policy-makers consider the implications of the recent changes in the laws.
- 2) We recommend that LACs are established at sub-kebele level with female representation (minimum two members). It may be more feasible for women to participate if the committees are established at sub-kebele rather than at kebele level. It may also be more feasible for women to participate after the big task of land registration has been completed.
- 3) Develop a system for training of local Land Administration Committee members and conflict mediators to strengthen their knowledge of the law and their gender awareness.
- 4) There is a need to look at the administrative capacity of land administrations to ensure that they are able to handle the new tasks that are put on their shoulders with the most recent land proclamations emphasising land use planning, formal registration of all land rental

transactions, and monitoring and enforcing sustainable land use. It is important that a prototype system in terms of staff, skill and budget requirements is developed to be able to implement these new tasks. Such a standard should then give signals to regional and woreda level administrations to ensure a balance between objectives, staffing, equipment and budgets.

5) There is a serious dissatisfaction with the way the court system works in relation to resolving land-related disputes. There is lack of trust as people perceive that court judges are corrupt and favour the wealthy and influential. We therefore recommend a critical assessment of the competence, knowledge and practice of the courts at different levels.

6) NGOs should be encouraged to assist with dissemination of information, awareness raising and even develop expertise in law and provision of legal services to help the poor, including women, in cases of disputes over land. Currently such services are non-existent and women who take their cases to the courts face substantial monetary and social costs.

7) The local universities may take action to help provide training and build capacity to help fill the gaps wrt legal competence and services.

8) There appears also to be a strong need to give training in the new land and compensation laws and regulations to government officials involved in land-related issues like land takings and compensation because current practices by local governments in relation to such cases are clearly illegal and anti-poor.

9) Using radio is a cheap way of disseminating information. In OR and SNNPR they have, with support from USAID recently developed radio programs to disseminate information about land tenure, legislation and land reform. The SNNPR region clearly has a challenge because of the large number of language groups in the region. Developing this method for dissemination of information should be less difficult in Oromiya region. If local LACs are mobilised to inform about such radio programs and arrange radio access, arrange such that people sit together, listen and discuss, and such programs are made weekly events, it could make a considerable impact at a very low cost.

6. Implementation of land registration and certification in study communities

The survey findings from the two districts (woredas) Sashemene and Arsi Negelle in Oromiya Region and the two districts Wondo Genet and Wollaita in SNNPR will now be examined. We simultaneously present separate data for four peri-urban PAs, two of which are located in Sashemene and two located in Arsi Negelle, and of female-headed households for all four districts as a separate class. The purpose of this review of survey findings is to get a general idea about the implementation process, its reach and quality.

6.1. Land registration and issuing and distribution of certificates

We start by looking at the data on participation in information meetings, whether they have received written material about the reform and whether they are member of Land Administration Committees (LACs). Our findings are presented in the table below.

Table 6.1.1. Participation in land reform activities

% of respondents	Sashe- mene	Arsi Negelle	Wondo Genet	Wollaita	Peri- urban	Female- headed	All househ.
Information meeting held before registration started	85.9	89.2	29.1	71.9	90.9	70.7	72.4
Family participate in such meetings	74.4	82.4	20.4	63.3	80.3	53.3	63.5
Number of meetings participated, median	3	4	2	2	3	1	2
Received written material	6.4	3.4	7.8	14.1	2.1	0	8.4
LAC member	9.6	3.4	2.9	11.1	6.3	6.7	7.4

Overall about 72% of all households were aware of such information meetings being held in their PAs. The percentage was much lower in Wondo Genet, perhaps due to this being one of the pilot woredas for improved certification and the late start of implementation there. Arsi Negelle and peri-urban areas had the highest levels of awareness of 89 and 91%.

When it came to households' actual participation in any of these meetings the percentages were about 10 percentage points lower than that of their awareness of such meetings, giving an average participation level of about 63%. However, for female-headed households their level of participation was relatively lower than their awareness as compared to for all other categories. They were also likely to participate in fewer of these meetings with the median of one, while it ranged from two to four meetings for all other categories. None of the female-headed households had received any written material related to the reform while such material had been received by 2-14% of the other household categories. Surprisingly, the peri-urban PAs were those with lowest percentage of households that received written material, except for female-headed households, while the highest percentage was in Wollaita. This was also surprising because of all the different language groups in SNNPR and our information that a lot of written material has been prepared for the purpose in Oromiya Region (Deininger et al. 2007). About 7% of the household sample stated to be LAC members and the percentage of female-headed households was at about the same level and it must mean that also these female heads of households have not received any written material.

How complete was the land registration process? Who were left out and for what reasons if any? And how many have received certificates by the time we carried out our survey in February to April 2007? The key findings are presented in the table below.

Table 6.1.2. Land registration and reasons for incomplete registration

	Sashe- mene	Arsi Negelle	Wondo Genet	Wollaita	Peri- urban	Female- headed	All househ.
Percentage of households registered land	92.3	98.0	24.3	86.9	96.5	85.3	80.4
Not present during registration	3.9	0.7	0	1.5	2.1	1.3	1.7
Refused to have land registered	1.9	0	0	1.0	0.7	0	0.83
Too small land to register	3.2	0	1.0	0.5	1.5	0	1.2
Registration not yet implemented	0	0	17.5	0	0	4.0	4.3
Percentage of households with certificate	72.4	80.4	1.9	64.8	84.5	57.3	59.9

We see that the land has been registered for more than 80% of the households in our sample. Wondo Genet has been selected as one of the pilot areas for more advanced land certification (USAID funded project) and the implementation is therefore delayed and registration had only started in one of our selected PAs in that district.

About 60% of all households in the sample have received certificates, leaving a gap of about 20% of the households in each group, which have been registered but not yet received their certificates by the time we undertook the survey. The percentage of households with certificates varies from about 80% in Arsi Negelle to only about 2% in Wondo Genet.

Reasons why some households did not have certificates were; land was not registered (6.1%), not yet received certificate (10.2%), did not submit photos (5.1%), refused to pay for certificate (1.8%), and did not want certificate (0.7%).

Although very few seemed to oppose to get certificates this may not mean that certificates were considered very crucial and valuable by the households receiving them. We therefore inquired about their perceived value or reasons for being sceptical to receiving them and whether they demanded such certificates, including improved certificates with maps of the plots. Furthermore we asked for their willingness to pay for such certificates and reasons for not being willing to pay for such improved certificates. The findings are summarised in the table below.

Table 6.1.3. Reasons for refusal to receive or pay for certificate vs. demand for certificate

	Sashe- mene	Arsi Negelle	Wondo Genet	Wollaita	Peri- urban	Female- headed	All househ.
Certificate only piece of paper with no value	1.3	2.0	0	2.5	2.8	4.0	1.7
Certificate does not provide tenure security	9.0	6.1	0	11.1	9.9	4.0	7.4
Certificate may cause me to have to pay more tax	14.7	5.4	0	12.6	7.0	10.7	9.2
Other reasons	10.9	2.7	8.7	13.1	3.5	6.7	9.2
Demand for certificate if no certificate	84.6	86.5	47.6	72.9	81.0	78.7	74.9
Demand for improved certificate with map of plots	86.5	72.3	22.3	50.8	70.4	61.3	60.4
Reasons not WTP for improved cert.							
Certificate I have is good enough	46.2	65.5	5.8	41.7	57.8	41.3	42.6
New certificate will not give more protection	14.1	11.5	1.9	29.2	12.7	21.3	16.3

Less than two percent of the households perceived that the certificates have no value and is only a piece of paper. About seven percent of the respondents did not believe that the certificates provide tenure security and this ranged from zero in Wondo Genet to 11% in Wollaita. This percentage also appeared to be somewhat higher in peri-urban areas while female-headed households were less likely to believe so. Another about nine percent of the households feared that the issuing of certificates may cause them to have to pay more tax in the future and this belief ranged from zero in Wondo Genet to almost 15% of the respondents in Sashemene.

When households were asked whether they would like to have a certificate for their land if they did not have one, about 75% stated that they wanted to, ranging from 47% in Wondo Genet to 86% in Arsi Negelle.

When households also were asked whether they would like to have an improved certificate with maps of their plots, about 60% of all households stated that they wanted to, ranging from 22% in Wondo Genet (where they will get such certificates), to 86% in Sashemene. The most important reason for not being willing to pay (WTP) for such an improved certificate was that they considered the certificate they had to be good enough. About 42% of the households had that opinion, ranging from five percent in Wondo Genet (where the actual percentage of households with certificates was even lower, showing some lack of consistency in responses) to 65% in Arsi Negelle. About 16% of all households did not believe that the improved certificate would give any extra protection, ranging from two percent in Wondo Genet to 29% in Wollaita.

We will then look at the actual willingness to pay (WTP) for certificates in case they have lost their certificate, in case they did not have any, and in case of an improved certificate with maps of the plots. We asked for the willingness to pay in Ethiopian Birr, except if the last case we also asked for their willingness to work for the community for an improved certificate in mandays of work. The responses are summarised in the table below.

Table 6.1.4. Willingness to pay for certificate if it is lost, if not having one and if improved: Median WTP in Ethiopian Birr (1US\$=9 EB)

	Sashe- mene	Arsi Negelle	Wondo Genet	Wollaita	Peri- urban	Female- headed	All househ.
WTP for replacement of lost certificate	6	10	10	5	10	6	6
WTP for certificate if not have any	10	10	5	4	10	6	6
WTP for improved certificate with map	10	20	10	10	15	10	10
WTWork for improved certificate, mandays	3	3	3	3	3	2	3

Median WTP for lost certificate was 6 EB overall and varied from 5 to 10 EB. The WTP was also similar for new certificate if they did not have any. The WTP for improved certificate with map was 10 EB overall and varied from 10 to 20 EB showing that the additional WTP for such certificates with maps is about 4 EB, that is below 0.5US\$. The households were willing to work (WTW) 3 mandays (median) for the community in order to get such improved certificates, except female-headed households that were WTW only 2 days. The low WTP in EB may therefore reflect the cash scarcity and lack of employment opportunities in these communities since the daily wage rates are substantially higher than these responses indicate.

How do these figures compare with the households' perceived value of their land? Since land sales are illegal in Ethiopia we introduced a couple of alternative questions to get relevant

information on this. One was what they would perceive to be a fair compensation if all their farmland is taken for public purpose. The other was whether they would be willing to sell their land if it became legalized and got a good price, and what the minimum price they would then demand in order to be willing to sell. The responses are recorded in the following table.

We see that the median minimum compensation price is 50000 EB, varying from 20000 in Wollaita to 100000 EB in Arsi Negelle and Wondo Genet. The fair compensation price was higher in peri-urban areas and lower for female-headed households. In a regression analysis relating the compensation value to household asset characteristics including farm size, farm size was not significant while it was positively correlated with livestock capital. Furthermore, about 25% of the households would be willing to sell their land if land selling were legalised and they got a good price, while an additional 3.6% of the households would be willing to sell if they came in a desperate situation. The median minimum selling price was 60000 EB for the whole sample and varied from 100000 in Sashemene, Arsi Negelle and Wondo Genet till only 20000 EB in Wollaita. This illustrates the higher level of poverty and remoteness of the latter area where land scarcity is highest. Female-headed households would also be willing to sell at a lower price.

Table 6.1.5. Demand for compensation in case of land taking, willingness to sell land and minimum selling price: Median price in Ethiopian Birr (1US\$=9 EB)

	Sashe- mene	Arsi Negelle	Wondo Genet	Wollaita	Peri- urban	Female- headed	All househ.
Min (fair) compensation for loss of all farm land if land is taken by kebele	80000	100000	100000	20000	100000	20000	50000
Willingness to sell land							
Willing to sell if legalized and got a good price	16.0	8.1	37.9	38.2	10.6	22.7	25.1
Willing to sell only if in desperate situation	5.8	5.4	1.0	2.0	5.6	1.3	3.6
Min. selling price in case of sale, all households	100000	100000	100000	20000	100000	25000	60000

This illustrates that the WTP for certificates is only a very small amount compared to what they consider the real use value of the land. These values also represent an estimate on their perceived livelihood value and could be compared with actual compensations households receive in case of land takings.

6.2. Changes introduced with land registration and certification implementation

Does land registration contribute to clearer demarcation of borders between farm plots? Can this also lead to less problems related to border disputes and encroachment by neighbours? And are female-headed households more exposed to these kinds of disputes and encroachment? We will explore these issues in the following section.

Border demarcation and impact on disputes

We asked households whether the plot borders of their land were clearly demarcated before the land registration and certification and whether they faced border disputes before registration. Then we asked whether the registration process contributed to clearer demarcation of plot borders. Based on this again we inquired whether the amount of border disputes changed during and after the reform. The responses are summarised in the table below.

As much as 74% of the households considered plot borders to be very clearly demarcated before land registration took place, about six percent perceived the border to be quite clearly demarcated, and only about four percent perceived borders to be poorly demarcated. The latter percentage ranged from zero in Arsi Negelle to seven percent in Wollaita and also close to seven percent of the female-headed households perceived plot borders to be very poorly demarcated before registration. Responses were very low in Wondo Genet, probably because registration has not been implemented yet, although that should not affect their ability to respond to the question.

About 72% responded that plot borders were clearly demarcated during land registration, but this percentage is pulled down by the fact that registration has not taken place yet in for most of our Wondo Genet households. Still, about 38% considered there to be a need for a new land demarcation to make plot borders even clearer.

Close to 70% of the households perceived to have sufficient witnesses to confirm their plot borders. While this was only considered to be the case for 45% of the households in Wondo Genet, illustrating one of the advantages of land registration where plot borders are inspected in collaboration with owners of adjacent plots. Such local memory is important when no maps are made. However, the improved registration and certification using GPS and making maps may reduce the need for witnesses. On the other hand, the low-cost GPSs are also not very accurate and border disputes may be caused by smaller discrepancies than the accuracy level of these types of GPSs.

Table 6.2.1. Border demarcation and disputes before, during and after land registration

	Sashe- mene	Arsi Negelle	Wondo Genet	Wollaita	Peri- urban	Female- headed	All househ.
Before registration							
Very clearly demarcated before registration	78.9	93.2	27.2	80.9	87.3	76.0	74.3
Fairly well demarcated before registration	12.2	2.7	1.9	6.5	6.3	4.0	6.3
Poorly demarcated before registration	6.4	0	1.9	7.0	4.9	6.7	4.3
Faced border disputes before registration	19.9	18.9	9.7	27.1	16.9	26.7	20.3
During registration and certification							
Clear border demarcation during registration	82.7	93.2	24.3	71.9	85.9	76.0	71.8
Less disputes during registration	21.8	23.0	2.9	24.1	19.7	25.3	19.6
No difference in disputes during registration	66.7	75.7	27.2	64.8	75.4	61.3	61.6
More disputes during registration	1.9	0.7	1.0	2.5	1.4	1.3	1.7
After registration and certification							
Less disputes after registration	19.2	18.2	3.9	21.6	17.6	20.0	17.2
No difference in disputes after registration	71.2	79.7	17.5	67.8	77.5	64.0	63.0
More disputes after registration	1.3	0.7	1.0	4.5	1.2	4.0	2.2
Sufficient witnesses to confirm borders of your plots	75.0	71.6	45.6	72.9	74.7	77.3	68.5
Need for new land demarcation to make plot borders clearer	54.9	33.1	16.5	39.7	34.5	42.7	38.0
Certificate protects against encroachment on plots by neighbours	32.1	29.1	11.7	36.2	31.0	36.0	29.2

About 20% of the households had experienced border disputes before, ranging from 10% in Wondo Genet to 27% in Wollaita. Close to 20% of the households thought that the amount of

border disputes was reduced during land registration and certification while very few thought that the number of disputes increased during registration and certification. The responses were also similar for the period after registration and certification as about 17% of the households indicated that there has been a reduction in disputes while only two percent had the opinion that the amount of disputes had increased, and leaving the large majority with the perception of no change in disputes during or after land registration and certification. Still we may conclude that land registration and certification is likely to have reduced the amount of border disputes, perhaps partly due to better demarcation of plot borders and because of the renewal of witnesses on the location of plot borders.

Finally, we asked whether the land certificates protect against encroachment by neighbours. Close to 30% of the households were of that opinion and particularly many female-headed households (36%) agreed to this. These should be clear positive indications of the usefulness of the registration process also for female-headed households.

Perceptions of impacts on inheritance disputes

The land proclamation gives new guidelines on inheritance. And having a certificate also raises the issue of who should take over the certificate in the next generation. This may be a potential area of conflict within families and we therefore asked how people perceived the effects of certification on the likelihood of experiencing inheritance disputes. The results are presented in the table below.

Table 6.2.2. Perceived impacts of certification

	Sashe- mene	Arsi Negelle	Wondo Genet	Wollaita	Peri- urban	Female- headed	All househ.
Effect of land registration and certification on inheritance disputes in community							
More inheritance disputes	6.4	7.4	1.0	9.6	5.6	8.0	6.8
No change	55.1	56.1	22.3	53.7	54.2	40.0	49.3
Less inheritance disputes	28.2	27.7	5.8	28.1	31.7	34.7	24.3
Change in inheritance disputes has affected the household	18.0	9.5	17.5	25.6	9.9	24.0	18.3
Having certificate reduce number of conflicts related to transferring land to children	67.3	72.3	29.1	63.3	66.9	61.3	60.7

About 24% think that the land registration and certification will lead to fewer inheritance disputes and about 7% think that it will lead to more inheritance disputes while about 50% do not think that it will have any effect. We also see that about 18% of the households have themselves experienced such a change in inheritance disputes. Thus these perceptions are based on own experience for many of the households. Finally, we see that as much as 60% of the households believed that having a certificate would reduce the number of conflicts related to transferring land to children.

Perceptions of impacts of certification

We followed up with a range of questions about the perceived effects of certification on land rental activity, on investment and on tenure security. These perceived effects are summarized below.

In Tigray it has been found that land registration and certification has contributed to increased activity in the land rental market (Holden, Deininger and Ghebru 2007a). In this survey in

Oromiya and SNNP regions about 15% of the households thought that land registration and certification has lead to a change in land rental activity, but of these only less than four percent of the households perceived that it has lead to more land renting, while close to 10% thought that land renting had been reduced due to the land registration and certification. The

Table 6.2.3. Perceived impacts of certification

	Sashe- mene	Arsi Negelle	Wondo Genet	Wollaita	Peri- urban	Female- headed	All househ.
Effect of certificate on land renting	19.9	16.9	9.7	11.6	20.4	12.0	14.7
Rent out more	3.9	3.4	1.0	5.0	2.8	2.7	3.6
Rent out less	14.7	11.5	6.8	6.0	16.2	8.0	9.7
Why change in renting out							
Need acceptance from family to rent out	20.5	13.5	8.7	13.1	20.4	13.3	14.4
Land renting has to be reported and accepted by kebele	2.6	0.7	0	5.0	0	0	2.5
Feel more tenure secure	5.8	0.7	2.9	1.0	4.9	0	2.5
Effect of certification on investment							
Interest in planting of trees on any plots	84.6	86.5	34.0	60.3	84.5	54.7	68.5
Certificate increases incentive to plant trees	68.0	68.9	12.6	39.2	67.6	50.7	49.3
Effect of certification on probability of compensation in case land is taken	73.1	74.3	26.2	51.3	74.5	54.7	58.3
Land certificate improves tenure security of women	82.7	87.8	31.1	79.4	83.1	78.7	74.1

main reason for this perhaps surprising finding was by 14% of the households stated to be the need to have acceptance from the family to be allowed to rent out the land. Another two to three percent of the households indicated that the need to report and get acceptance for land renting from the kebele may be the cause of the reduction. Finally, two to three percent of those who believed that it would lead to increased land rental activity indicated that the land registration and certification has increased the tenure security of landlords who therefore would be willing to rent out more land.

On investment households were asked whether they were interested in planting trees on any of their plots and followed up with a question on whether having a certificate would increase their incentive to plant trees. The table shows that close to 70% of the households were interested in planting trees and about 50% believed that having a land certificate increased their incentive to plant trees.

We followed up with questions on tenure security and asked whether households believed that having a certificate would increase the probability of receiving compensation in case of land taking for public purpose. We should here also note that the proclamation on land compensation states that those claiming compensation have to show proof of ownership of the land being taken, although most households may not know this. Still, close to 60% of the households perceive that having a land certificate will increase their chance of getting compensation in case of land taking.

Finally, we asked whether land certification has strengthened the tenure security of women. We will come back to the issues related to women in much more detail in next section but this would be an indication on the general perception among all households on this. We found that about three quarters of all households believed that land certification contributed to increased tenure security of women. Again, like in many of the other findings, Wondo Genet showed a much lower percentage than other woredas and pulled down the average figures, with the range from 31% in Wondo Genet to 88% in Arsi Negelle. It is possible that the initial tenure

security was already high in Wondo Genet while it was low in Arsi Negelle. Holden and Yohannes (2002) provide evidence on this in their study on tenure insecurity in Southern Ethiopia. Certificates may have the potential to contribute most to tenure security where tenure insecurity is high initially.

Perceived impacts of land law on land management by men and women separately

The Ethiopian land reform aims to contribute to more sustainable land management. This is attempted achieved by stating clearly the obligations of landowners both in the proclamation and in more detail in the regulation and implementation rules and by also including some of these obligations in the small green certificate book, which is the proof of ownership. Still, one may question whether such a command and control approach will work related to land management because it is an enormous task for the land administrations to monitor and supervise land management on individual plots. Still, strong local participation and good local organisation by the local Land Administration Committees may make it possible to generate local collective action to enhance more sustainable land management in communities. There are many examples in Ethiopia that this can work.

Men and women were asked separately whether the new land proclamation affected how they managed their land, and for each of those who answered yes or no to this question, what were the reasons for such an effect or the lack of such an effect. It should here be added that for the land proclamation to be expected to have an effect, people must know its content. We will return to that issue later and it may partly explain the findings here. We will, however, first look at the perceived impacts on land management.

Table 6.2.4. Perceived impacts of the land proclamations on land management

% of respondents	Sashemene		Arsi Negelle		Wondo Genet		Wollaita	
	Men	Women	Men	Women	Men	Women	Men	Women
New land proclamation affects the household's land management	9.6	8.3	14.2	10.1	21.4	13.6	17.1	10.6
How does law affect land management								
Take better care of the land	3.9	4.5	4.1	2.7	8.7	6.8	10.6	8.5
Ask tenants to take better care of it	3.9	1.9	3.4	2.0	1.0	2.9	3.6	1.5
Invest more on it	0.6	1.3	0.7	0	4.9	1.9	3.0	0.5
Take more responsibility for it	5.1	2.6	2.7	1.4	1.9	2.9	2.0	1.0
Reasons why law does not affect land management								
Follow traditional rules	25.6	22.4	15.5	18.9	10.7	9.7	18.6	24.6
Managed the land well already	33.3	23.7	47.3	37.8	15.5	9.7	31.7	24.6
Do not know the law	7.7	7.1	0	1.4	3.9	4.9	8.5	16.6

Only about 10% of the women and about 15% of the men thought that the new land proclamation had an effect on their land management. This could be due to the general poor knowledge of the law. However, receiving the land certificates, which also include statements of some of the obligations on land management, should contribute to raise some awareness on this. Still, the large majority answered that the law did not affect their land management and the reasons for that were that they followed traditional rules for land management, that they managed the land well already, and that they did not know the law on this. We may therefore conclude that the new land proclamation has had little impact on the sustainability of land management.

6.3. Women's vs. men's knowledge of the law

Another indicator of the effect of the land reform is the extent to which knowledge of the land proclamation has reached out to the rural people where land registration and certification is undertaken. The land proclamations contain many other important elements of information that have efficiency, welfare/equity and sustainability implications for people and the land. For laws to make a difference, a necessary but not sufficient requirement is that they are made known to the people. Second, if people learn to know the law, the question is whether the law is different from the traditional norms and behaviour of people. Third, if it implies a need to change people's behaviour, do the people have the incentives to do so? Is the law enforced with carrots and sticks or can people continue to ignore it if it is not in their interest? Also, is the law so clear that it leaves no room for interpretation such that behaviour does not need to change? And finally, the many changes that have been made in the federal and regional land proclamations and regulations (implementation rules) in Ethiopia the last ten years may make it hard even for the staff of land administrations to keep up with the changes because they have not been able to implement many of them before they were changed.

We start by looking at men's and women's knowledge of the law where we had the land proclamations of 2002 for Oromiya Region and of 2003 for SNNP Region as a basis. We divided the elements of the proclamations into;

- gender aspects (equal sharing of land upon divorce and whether a wife can deny her husband to rent out part of the household's land);
- land rental contract issues (maximum allowed contract length when using modern and traditional technology, whether the same restrictions apply to sharecropping as to other land renting, the minimum contract length required before a contract has to be reported to the kebele (PA) administration, the maximum share of the farm that households are allowed to rent out at any time, whether this same restriction also applies to sharecropping, and who is responsible for sustainable management of the rented land),
- fragmentation restrictions (minimum farm plot size for cereal crops, minimum farm plot size for perennial crops)
- other restrictions (whether it is legal to mortgage land use right, whether it is legal to plant eucalyptus trees, and whether the rest of the household can keep the land if the head of the household leaves the PA for ten years).

The table below presents the results of this test of men and women's knowledge of the law.

From 20 to 70% of the women and from 33 to 75% of the men claimed some knowledge of the new land proclamations showing that the awareness was somewhat higher for men than for women. The awareness of the proclamation was highest in Arsi Negelle and lowest in Wondo Genet. When it comes to the gender aspects of the law we see that about half or more of the men and women were aware of the law about equal sharing of land upon divorce. The awareness level appeared to be about the same for men and women. The wives' right to deny their husband to rent out the land was known by 35 to 64% of the women across regions with the lowest levels of knowledge in Wondo Genet and the highest in Arsi Negelle. For men the variation was from 32 to 53% with the lowest in Wondo Genet and the highest in Arsi Negelle again.

Table 6.3.1. Women’s vs. men’s knowledge of the law

% giving correct responses	Sashemene		Arsi Negelle		Wondo Genet		Wollaita	
	Women	Men	Women	Men	Women	Men	Women	Men
Knowledge of land proclamation	55.1	72.6	70.3	75.0	20.4	33.0	43.2	55.3
Gender aspects								
Sharing rule upon divorce	48.7	61.5	66.2	59.5	58.3	52.4	48.2	47.2
Wife can deny husband to rent out land	50.6	40.4	64.2	52.7	35.0	32.0	40.7	43.2
Land rental contracts								
Max contract length modern technology	0	0	4.7	2.0	3.9	5.8	3.5	3.5
Max contract length traditional technology	3.9	8.3	3.4	5.4	2.9	2.9	4.0	3.5
Same restrictions on sharecropping, % yes		5.1		1.4		12.6		9.1
Min contract length to report contracts	4.5	6.4	3.4	10.8	4.9	5.8	1.0	2.0
Max share of farm that can be rented out	22.4	23.1	31.1	29.7	30.1	25.2	16.6	13.6
Same restriction on sharecropping, % yes		11.5		19.6	20.4	19.4	11.1	14.1
Responsible for sustainable management on rented land	20.5	18.0	22.3	20.3	32.0	26.2	29.7	26.1
Fragmentation restrictions								
Min farm size cereal crops	23.7	17.3	4.1	5.4	1.0	4.9	5.5	8.0
Min farm size perennial crops	5.8	8.9	2.0	8.8	8.7	11.7	8.5	12.0
Other restrictions								
Legal to mortgage use right of land	34.6	41.0	41.2	35.8	48.5	49.5	41.7	39.2
Legal to plant eucalyptus trees		21.8		21.6	33.0	32.0	28.1	29.7
Household head migrates for 10 years effect on use right to land for family	34.0	32.7	54.7	56.1	41.8	36.9	59.3	54.3

For the regulations on land renting the levels of awareness of the law turned out to be much lower. Hardly any households (men and women) knew the maximum contract lengths of 15 and 3 years in Oromiya Region and 10 and 5 years in SNNPR for modern and traditional technologies. Another interesting finding was that people did not perceive the same restrictions to apply to sharecropping as to those that would apply to other land renting¹⁰. Similarly, very few households knew the minimum contract length that households had to report for land rental contracts, including sharecropping contracts, to the PA administration.

Between 13 and 30% of the men, and between 16 and 31% of the women knew that the maximum share of the farm they were allowed to rent out was half of the farm with the lowest levels of awareness in Wollaita and the highest in Arsi Negelle. Also here, only 11-20% of the households perceived that such a restriction applied equally to sharecropping as to other land rental contracts.

Only 18 to 26% of the men and 20 to 32% of the women were aware that according to the proclamations the tenant is responsible for sustainable management of the land he rents in. The knowledge of the minimum farm plot sizes for cereal and perennial crops was even more limited. These are fairly new restrictions and this may explain the low awareness.

Between 35 and 50% were aware that it is not allowed to mortgage the use right to land, this being a restriction that has been there for a long time. About 30% of the households in SNNPR were aware of the restriction on eucalyptus planting on arable land. Finally, 34 to 59% of the women and 33 to 56% of the men were aware that the rest of the household could keep the land even if the head of the household moved and stayed permanently away for ten years.

¹⁰ These questions were not asked to women in all locations so we have some gaps in the data.

We may conclude based on this that the general knowledge of the law is poor. This may be related to the low level of literacy, limited distribution of written material, the low level of participation in information meetings and the emphasis first and foremost on the land registration and certification by the local land administrations because of their limited staffing and low budgets for implementation of the land reforms. However, still the awareness of the gender aspects of the law was surprisingly good and this may have been enhanced by the joint certification program. Awareness appeared also naturally to be higher for regulations that have been in place for a long time than more recently introduced restrictions.

Opinions on elements of the land laws

Still, with this poor level of knowledge of the law, it is possible that people have clear opinions on the various elements of the law and it can be insightful to assess whether these opinions are in line with the law or not. If they are in line with the law there should be no problem, but if they are not, this may require attention to assess the seriousness of this divergence and what can be done to mediate it.

We asked whether women and men agreed with the following rules;

- Joint title of land for husband and wife
- Equal sharing of land upon divorce
- Only wife's name on the certificate if she is second or third wife of polygamous men
- Women should be allowed to plough the land
- All land rental and sharecropping contracts should be reported to the kebele
- The same restrictions should apply to sharecropping as to other land renting
- Land sales should be illegal
- Land mortgaging should be illegal
- Only as much as half of the farmland should be allowed rented out

After getting their responses to these rules we followed up with a range of questions specific to land renting and sharecropping which is the dominant form of land renting in southern Ethiopia, including our study areas. Particularly poor female-headed households tend to rent out land through sharecropping. Since they lack the resources to farm the land efficiently themselves they rather rent out and get half of the output as payment which also is a substantial amount of income and food which is likely to be worth more to them than if they were forced to cultivate the land themselves using hired oxen and labour which they may not afford. The land rental market in form of sharecropping may therefore serve as a safety net for such poor female-headed households. Many of these also tend to rent out more than half of their land and the restriction that they are allowed only to rent out half of the land may contribute to increase their tenure insecurity. It is therefore relevant to ask the critical question whether this element of the current law may unintentionally harm such poor households if it will be implemented.

Based on this we also asked about women's and men's opinions about whether such poor households should be allowed to rent out more than half of their farms and depending on the answer to this why or why not so. The responses are presented at the bottom of the table above.

Table 6.3.2. Women’s and men’s opinions about elements of the new land proclamations, land renting restrictions and the land market as a safety net for the poor

% that agree with the following rules	Sashemene		Arsi Negelle		Wondo Genet		Wollaita	
	Women	Men	Women	Men	Women	Men	Women	Men
Joint title of land with husband	75.0	82.9	81.8	77.3	80.9	70.1	81.4	70.1
Equal sharing of land upon divorce	75.0	75.7	87.01	77.3	75.5	52.5	68.1	52.5
Only wife’s name on certificate if second and third wife of polygamous men	22.4	25.7	35.7	34.4	20.9	24	27.9	24
Women allowed to plough land	46.1	39.5	51.3	50.7	42.6	27.0	30.4	27.0
Reporting all land renting and share-cropping to Kebele	40.1	43.4	57.1	57.8	47.8	34.3	39.2	34.3
The same regulation for sharecropping as for land renting	11.8	9.2	2.0	5.2	11.3	10.8	8.8	10.8
Land sale should be illegal	51.8	52.6	75.0	63.5	64.1	59.2	63.8	64.7
Land mortgaging should be illegal	41.7	45.5	51.4	46.0	43.7	37.6	47.7	48.0
Only half of the farm holding should be allowed rented out	18.6	25.6	23.0	24.3	49.5	41.8	21.1	19.6
Is it legal for the household to sharecrop out all its land?	18.6	19.2	18.2	16.2	10.7	18.5	22.6	20.1
Households should be allowed to sharecrop out all their land	12.8	23.1	17.6	14.2	11.7	15.5	17.6	15.6
Poor households should be allowed to sharecrop out all their land	57.7	68.0	73.7	64.9	69.9	68.9	49.3	50.8
Why allowed?								
To secure their livelihood	41.0	39.7	37.2	31.8	29.1	27.2	16.1	15.1
They cannot use the land efficiently	16.7	26.3	28.4	28.4	31.1	28.2	16.6	18.1
Land can be made available for more productive farmers	2.6	5.1	5.4	2.7	12.6	11.7	17.1	14.6
Why not allowed?								
They should farm the land themselves	18.0	14.1	11.5	12.8	6.8	1.9	14.1	11.1
They should follow the law	0.6	3.2	1.4	0.7	11.7	12.6	21.1	16.6
They should give away the land to others if they fail to farm it	5.1	7.1	1.4	4.1	1.9	1.0	5.5	5.0

A large majority of women and men agreed with providing joint titles to husbands and wives. The same was the case for equal sharing of land upon divorce, except the men in Wondo Genet and Wollaita who were not quite as favourable with just above 50% of them agreeing with this. However, when it came to the rule that only wife’s name should be on the certificate for second and third wives of polygamous men, only 20 to 35% of the women and 24 to 34% of the men supported this. The change in this rule during implementation allowing the husband’s name on the certificates of polygamous wives seems therefore to be in line with the general opinion of both women and men in our study areas.

Between 30 and 51% of the women and between 27 and 51% of the men were of the opinion that women should be allowed to plough the land even though there is a strong tradition in Ethiopia that this should not be allowed. If this restriction were lifted, it could possibly make it easier for female-headed households that lack adult male labour to farm their land themselves. Otherwise they will depend on assistance from relatives or neighbours for ploughing and that may affect their land productivity because it is very important with appropriate timing of ploughing to ensure a good seedbed for crops.

From 39 to 57% of the women and from 34 to 57% of the men agreed that all land renting should be reported to the PA. People in Wollaita were least positive and people in Arsi Negelle were most positive to this rule. However, when we asked the follow up question

whether they perceived that sharecropping was a form of land renting and that the same restrictions should apply to sharecropping as to other land renting, only 2-12% of the women and 5-11% of the men thought so. This indicates that land renting is associated with fixed rent and lease contracts while sharecropping is considered something different. Since the land proclamations do not explicitly state that sharecropping is a form of land renting and that the same rules should apply to sharecropping as to land renting as stated in the proclamations, this may leave room for variation in local interpretations.

About 51 to 75% of the women and 52 to 65% of the men agreed that land sales should be illegal, while 41 to 51% of the women and 37 to 48% of the men agreed that land mortgaging should be illegal. Therefore there is still a majority that supports the ban on land sales and there are still also a higher percentage of people agreeing that land mortgaging should be illegal than that disagree with this.

From 18 to 49% of the women and 19 to 41% of the men agreed that it should not be allowed to rent out more than half of the farm size while there was a majority of 60 and 62% of women and men against this restriction. This is therefore an area with discrepancy between public opinion and the law.

We then asked whether households perceived that it was legal to sharecrop out all their land. We can here imagine that they have been influenced by the earlier questions regarding their knowledge of the law and opinions such that they by this time of the interview have achieved a higher level of knowledge of elements of the law. The responses may confirm this since only 10 to 22% of women and 16 to 20% of the men perceived it to be legal, but this could also be a general perception of legality that has not been influenced by the survey.

A follow-up question whether they agreed that it should be allowed to sharecrop out all the land was asked, and it was found that only 11 to 17% of the women and 16 to 20% of the men agreed with this. In order to investigate the opinions on whether particularly poor households should be allowed to sharecrop out all their land we asked a follow up question on this. Here we found that 49 to 73% of the women and 50 to 69% of the men agreed. Only 14 to 40% and 15 to 33% of women and men respectively were against allowing poor households to sharecrop out all their land. We then inquired about their reasons for being for or against allowing this. There were both safety net and efficiency reasons for allowing this because the stated reasons included that it would contribute to securing the livelihood of these poor households, they would not be able to use the land efficiently and it would allow reallocation of land to more efficient producers. Those of the respondents that were against allowing this stated that they had this view because also such poor households should comply with the law and farm the land themselves, or they should give the land to others. They seemed therefore to be less concerned with the welfare of these poor households and see perhaps this as an opportunity to get some additional land.

6.4. Land fragmentation and land redistribution

The issues covered above also take us towards the issues of land fragmentation and land redistribution. Past land policies in Ethiopia lead to a fairly egalitarian land distribution through the 1975 land reform and the policy of land redistributions that followed, where the aim was to redistribute land according to the needs (family size) of households and to provide land for young married couples. However, with increasing population pressure this has led to smaller and smaller farm sizes over time and average farm sizes have reached particularly low levels in Wollaita and Wondo Genet among our study woredas. This has also caused the more

recent change in land policy putting a ban on further land redistributions and setting minimum sizes for land holdings. However, one of the consequences of the ban on further subdivision of farms below a lower limit is that families and children will have to farm the land jointly or it may lead to conflicts over who is to take over the land if there is no room for all the children. The growing number of young landless or near landless people may also cause a demand for new land redistributions, including redistribution of public land to individuals. Based on this we introduced a few questions to elicit the opinions among men and women about this.

First we asked whether they agreed that it should not be allowed to further subdivide farms, but that families should rather farm jointly. And we followed up with questions on why and why not for those who were agreeing or opposing this rule. Secondly, we asked women and men separately whether they expected a new land redistribution in their community within the next ten years, and finally whether they thought that landless households should be given land through land redistribution. The first of these is also an indicator of the feeling of tenure security among household members as the land redistributions in the past may have contributed substantially to people's feeling of tenure insecurity. The responses are recorded in the table below and we discuss the findings briefly.

The percentages of women and men that agreed that land should not be further subdivided were in the range of 34-71 for women and 35-76 for men with the lowest percentages in Wondo Genet and the highest for men in Sashemene and for women in Arsi Negelle. The most important reason for agreeing with no further subdivision was that it was considered good for families to cooperate in their farming activities. The other and less frequently stated reason was that land fragmentation was bad for land use. The most important reason for disagreeing with a ban on further subdivision of farms was that it is difficult to farm together and this came out as an important response in Wondo Genet where there were more people favouring further farm fragmentation. It is possible that the perennial cash crops grown there more easily allow further fragmentation while they also make it more difficult to cooperate on management but this requires further study.

Table 6.4.1. Opinions on land fragmentation and land redistribution

	Sashemene		Arsi Negelle		Wondo Genet		Wollaita	
	Men	Women	Men	Women	Men	Women	Men	Women
Land should not be further subdivided but farmed jointly	71.8	60.9	64.2	76.4	35.9	34.0	60.3	63.8
If yes, why?								
Further fragmentation is bad for land use	19.9	17.3	14.2	17.6	9.7	2.9	17.6	15.6
Cooperation is good for families	54.5	44.9	48.9	58.1	29.1	29.1	47.2	50.3
If no, why not?								
Difficult to farm together	7.1	9.0	7.4	4.7	32.0	46.6	11.6	15.6
Some are forced to leave	7.1	7.1	2.0	1.4	4.9	4.9	2.0	3.5
Increases landlessness	4.5	4.5	0	0	2.9	3.9	5.5	6.5
It is possible to subsist on smaller plots of land	5.8	2.6	6.8	4.1	4.9	1.9	1.5	1.0
Expect new land redistribution within the coming ten years								
Landless should be given more land through redistribution	49.4	56.6	60.4	58.4	35.7	40.0	27.9	24.5

Expectations of further redistributions within the next ten years ranged from 18 to 36% for men and from 20 to 38% for women with highest values in Arsi Negelle and lowest in Wollaita. This may also reflect the difference in tenure insecurity between the areas. When we also asked whether they were of the opinion that the landless should be given more land in their communities, those favouring this ranged from 28 to 60% among men and from 25 to 58% for women with the lowest percentages in Wollaita and the highest in Arsi Negelle. This illustrates that the highest demand for such redistribution corresponds with the highest expectations of such a redistribution in Arsi Negelle and opposite for Wollaita with the lowest demand and the lowest expectation. It is also interesting that Arsi Negelle has the largest farm sizes while they are smallest in Wollaita. We may finally add that the new land proclamation in SNNPR opens for redistribution of public land to individuals. This may be a response to the extreme population pressure in some of the locations in the region, like Wollaita.

7. Gender implications of land certification and empowerment of women

7.1. Traditional position of women vs. the effects of the land reform

It is important to look at the role of the land reform by taking the traditional position of women in Southern Ethiopia as a starting point. Women traditionally have a weaker position than men within households as well as in society overall. This is reflected by the fact that the husband is considered to be the head of the household and females become heads of households only if they have no husband. Women are also much less likely to take local leadership positions than men and are usually confined to taking care of children, preparing food and doing other household chores. Women in Ethiopia are also traditionally less involved in farming activities than in many other African countries. By tradition they have not been allowed to plough with oxen although they have been involved in other farming activities like planting, weeding and harvesting. The husband has been considered to be in charge of the farming activities in most cases. On this basis it is uncertain to what extent (if at all) the land reform has been able to penetrate into the minds of people and change the position and decision-power of women in agricultural production. Below we try to explore the position of women by reviewing some of the findings from our household survey.

Table 7.1.1. Women's participation in village activities

Questions asked to adult females (wives and female heads)	Sashemene	Arsi Negele	Wondo Genet	Wollaita	Total
Participate and speak up in village meetings	19.9	26.4	18.5	12.1	18.7
Member of women's association	23.1	31.8	8.7	24.6	23.3
Member of village council	3.9	4.1	2.9	12.1	6.4
Other leadership position	5.8	5.4	1.9	3.5	4.3
Always vote in elections	18.6	21.0	32.0	27.1	24.1
Have money or assets that you control alone and decide on use	28.9	23.7	21.4	45.7	31.9
Taken loan in cash or kind to start expand a business	10.9	4.7	19.4	50.8	23.9
Permitted to go to the market place alone	40.4	42.6	40.8	43.2	41.9

The table gives the % of households responding yes to the questions above

Few women are members of village council or have leadership positions in the village. We also see that there is considerable variation across woredas in terms of the degree of

participation. Women in Wollaita are least likely to participate and speak in village meetings but more likely to have money or assets that they control independently or have taken loans to expand their own business.

The table below further gives information on the degree of participation of women in decision-making in the households. Again we see that women in Wollaita seem to have a more independent control over their incomes.

Table 7.1.2. Women’s participation in decision-making in the households

Questions asked to adult females (wives and female heads)	Sashemene	Arsi Negele	Wondo Genet	Wollaita	Total
Involved in land investment and production decisions	26.9	37.2	37.9	45.7	37.5
Involved in decisions on use of income from crop production	37.2	35.1	22.5	32.2	32.5
Full control over own income generated	18.6	16.9	20.4	38.7	25.1
Involved in decisions on common resource utilisation	71.1	71.6	43.7	60.2	63.1
Can decide alone whether to involve in non-farm income generating activity	21.8	17.6	18.5	30.7	23.1

We may illustrate the change by reporting a case study interview with one woman in a kebele in Arsi Negelle: She is a single wife and emphasized that her husband has education. They have the names of both of them as well as their five children on their land certificate. She perceives that the land certificate has increased their tenure security and she thinks that the land certification has improved her situation and made her an equal owner and has made her equally able to participate in decision-making. Before it was her husband alone who made land-related decisions but now they make joint decisions. For example, it was the husband who made land rental/sharecropping decisions but now she is involved in making such decisions. They have 6 ha of land. Before they had no oxen and therefore sharecropped out their land. Now they have oxen so they cultivate the land themselves. Their children include one girl and four boys. The daughter has married and moved and she did not get any land, but she will get when they die as they plan to share the land equally among the children. They have so far given one hectare of land to the first son but the remaining land has not been divided among the children yet.

We also asked the same questions as those summarised in Tables 7.1.1 and 7.1.2 after the land reform and the responses are presented in Tables 7.1.3 and 7.1.4 below. The reform has not yet been implemented in Wondo Genet.

When we compare Tables 7.1.1 and 7.1.3 we see a quite strong tendency of increased participation by women in Sashemene, and a weaker tendency in Arsi Negelle but little change in Wollaita.

Table 7.1.3. Women's participation in village activities after the reform

Questions asked to adult females (wives and female heads)	Sashemene	Arsi Negele	Wondo Genet	Wollaita	Total
Participate and speak up in village meetings	26.9	22.3	-	14.1	17.2
Member of women's association	29.5	41.2	-	25.1	26.4
Member of village council	5.1	6.1	-	12.1	6.8
Other leadership position	5.8	5.4	-	3.5	4.3
Always vote in elections	25.6	29.1	-	27.6	23.1
Have money or assets that you control alone and decide on use	39.7	24.3	-	46.7	31.9
Taken loan in cash or kind to start expand a business	17.3	4.7	-	50.8	2.6
Permitted to go to the market place alone	64.1	46.6	-	42.2	41.9

The table gives the % of households responding yes to the questions above

The responses about participation in household decision-making after the reform are presented in Table 7.1.4 below.

Table 7.1.4. Women's participation in decision-making in the households after the reform

Questions asked to adult females (wives and female heads)	Sashemene	Arsi Negele	Wondo Genet	Wollaita	Total
Involved in land investment and production decisions	44.2	43.2	-	47.7	38.1
Involved in decisions on use of income from crop production	44.9	38.5	-	34.7	32.7
Full control over own income generated	16.7	19.6	-	38.2	22.0
Involved in decisions on common resource utilisation	81.4	79.0	-	61.9	60.9
Can decide alone whether to involve in non-farm income generating activity	19.2	18.2	-	28.6	19.1

Also here is a tendency in direction of increased participation in terms of women's involvement in decision-making after the reform when comparing with Table 7.1.2 but not in terms of women becoming more able to make independent decisions over own income and involvement in non-farm activities.

Who will inherit land

Men and women were also asked separately about who will inherit the land of their household. The table below summarises the responses of men and women in the four districts.

The table shows that there is a strong tradition for the oldest son or unmarried son to inherit the land from their parents, while also the oldest daughter have a higher probability of inheriting the land in Wondo Genet and Wollaita. Overall this demonstrates a clear gender bias that also is related with the traditional patrilineal inheritance system and patrilocal system of residence where typically a woman upon marriage moves to the home of her new husband. This traditional inheritance and marriage pattern is likely to frame how the land certification

reform will affect women. The fact that polygamy also is very common in Southern Ethiopia complicates this even further and we will return later to some of the implications of the reform for polygamous households and wives.

Table 7.1.5. Who will inherit the land according to male and female family members

District/Respondent Who inherit	Sashemene		Arsi Negele		Wondo Genet		Wollaita	
	Men	Women	Men	Women	Men	Women	Men	Women
Oldest son/daughter	5.1	5.8	1.4	2.7	15.5	13.6	13.1	13.7
Oldest son	50.6	37.8	32.4	37.8	23.3	26.1	28.6	33.17
Oldest daughter	0.6	2.6	0.7	1.4	0	0	3.0	3.5
Youngest unmarried son/daughter	10.3	13.5	10.1	11.5	8.7	11.7	2.0	0.5
Unmarried son	10.3	15.4	21.6	27.7	9.7	8.7	11.1	10.6
Unmarried daughter	0	0	0.7	2.0	0	0	0.5	0
Favourite son	0.6	1.9	3.4	0.7	1.9	0	0.5	0.5
Favourite daughter	0	0	0	0	0	0	0	0
Other family members	0	0	0.7	0	4.9	3.9	2.0	3.5

One of the issues is how the land reform may affect men and women in cases of divorce and death of one spouse and the consequent division of land afterwards. We first look at some of the experiences of those households in our sample that have experienced divorces and deaths of their spouses in the past and then we ask all households what they think would be the outcome for them if they were exposed to these events today. We have asked these questions separately to the husbands and wives, and compare their responses in the table below.

Table 7.1.6. Household break and division of land

Questions to husbands and wives	Number of responses or % by category					Total
	All	>Half	Half	<Half	Nothing	
In case of household break in the past, how much land did you get?						
Women, number	18	2	11	0	22	53
Men, number	44	5	11	6	18	84
In case of divorce today how much of the land would you get?						
Women, %	11.4	3.0	50.2	4.6	0.3	
Men, %	17.0	6.6	46.5	4.8	5.0	
In case of death of spouse today, how much of the land would you get?						
Women, %	64.0	3.6	12.7	0.5	1.5	
Men, %	67.2	2.0	9.1	1.2	0.8	
In case of death of spouse today, how much land would be given to the children?						
Women, %	20.5	11.9	36.6	8.6	1.3	
Men, %	18.2	8.1	31.2	13.9	5.9	

The table shows the tendency that men were more likely to get all the land in case of household break in the past. The hypothetical questions provided a difference in answers in cases of divorce than in cases of death of spouse. Close to 50% of men as well as women thought that the land would be shared equally in cases of divorce, while close to 65% of men as well as women thought they would get all the land in case of death of the spouse. The differences between men and women were not significant in these cases.

How much land each spouse keeps after break may depend on whether and how much land each brought into marriage. The law on this was recently changed in SNNPR from equal sharing of all land brought into marriage by both parties to each taking with him/her out of marriage what they brought in.

We asked about the determinants of land kept after marriage in case of divorce and the responses are presented in the table below.

Table 7.1.7. Perceptions on determinants of land kept after marriage in case of divorce

District/Respondent Who inherit	Sashemene		Arsi Negele		Wondo Genet		Wollaita	
	Men	Women	Men	Women	Men	Women	Men	Women
Land brought into marriage does not affect land distribution upon divorce	65.4	64.1	59.5	71.0	41.8	43.7	25.1	24.1
Land brought into marriage is kept by the individual after marriage	17.3	19.9	18.9	13.5	15.2	26.1	30.1	31.2

The responses were clearly in direction of joint ownership and equal sharing of all land brought into marriage in Arsi Negelle and Sashemene, with a weaker balance in the same direction in Wondo Genet, while in Wollaita a higher percentage of households favoured more individualized rights where what is brought into marriage is also kept after a divorce. The recent change in the law in SNNPR is therefore in line with the majority perceptions in Wollaita on this but not with those in Wondo Genet.

Expectations about the division of land may also depend on the number of children they have, the age of the children at the time of the break and where the children are going to live after the break. However, when we tried to analyse this with ordered probit models, we found no significant relationship between these variables.

This recent change in the law is likely to favour men at the expense of women with the current marriage and residence system. When women move to the husband's place upon marriage, he is likely to be the one having his name on the land certificate while she will not get her name there unless he agrees to that. This will also imply that she is not entitled to half of the land upon divorce or death of the husband. This may have serious gender equity implications for the future in terms of how land rights will be distributed. However, the fact that further subdivision of farms is restricted such that farming increasingly becomes a joint family business would anyway limit the possibility of dividing the land upon divorce. And wives will have to live with and farm together with the in-laws also after divorce or death of their husband if they are to continue to use the same land. This may, however, become very difficult in cases of divorce.

7.2. Polygamy and position of polygamous wives

We will now inspect the position of polygamous wives in our sample, their knowledge of and participation in the land reform and the likely effect of the reform on them. The position and opinions of their husbands is likely to be very important for the impacts on polygamous wives. We therefore first examine some of the responses we got from polygamous men in our sample.

Information from polygamous men

Table 7.2.1 below presents information on the distribution of polygamous households in our household sample across the four woredas. The percentage of polygamous households varies from about 12% in Wondo Genet and Wollaita and up to about 20% in Sashemene.

We asked the men whether each of their wives possessed separate land that they farmed on their own. This information is summarised separately for the first wife and for the remaining wives in the table below. The first wives, as well as the other wives, were more likely to have their own land than not to have such land on their own.

We also asked the polygamous men whose names appeared on the land certificates for the land. The responses are summarised in the table above. In close to 50% of the cases names of both husbands and wives were included on the certificates. In about 20% of the cases certificates were made to include the names of the husband and all the wives on one certificate. There were very few cases where the wife's name only appeared on the certificates even though this was the initial plan and statement in the land proclamation for the second and later wives. Protests from polygamous men caused a change in the implementation such that they also were included on the certificates of their second and later wives.

Table 7.2.1. Polygamous households, wives' access to land and names on certificates

	Sashe- mene	Arsi Negelle	Wondo Genet	Wollaita	Total
Percentage polygamous households in sample	19.9	16.9	11.7	12.1	15.2
Number of polygamous households	31	25	12	24	92
Number of polygamous wives:					
Wife 1 has separate land to farm	14	13	6	14	47
Wife 1 does not have separate land to farm	7	8	1	0	16
Wives 2, 3, 4 and 5 have separate land to farm	14	14	7	17	52
Wives 2, 3, 4 and 5 have no separate land	6	9	0	3	18
Whose name on land certificate: Number					
No certificate	5	6	8	7	26
Husband's name only	5	1	1	4	11
Wife's name only	0	3	1	1	5
Husband's and wife's names	20	20	4	12	56
Husband and several wives on one certificate	11	9	0	2	22

Perceptions of tenure insecurity among polygamous men

We asked the polygamous men whether it mattered whose name is on the certificate for whom will keep the land in case of divorce. The limited sample size of 92 polygamous households causes us to show the number of responses rather than percentages. About a third of the polygamous men thought that whose name is on the certificate is important for who keeps the land in case of divorce. Still, a bit more than a third of the polygamous men thought that the land certification has increased their feeling of tenure security and none of them responded that they felt less tenure secure after the reform. They do not therefore consider their wives to be the primary or an important cause of tenure insecurity. This is also demonstrated by their perception that about 50% of them thought that their wives have obtained stronger land rights after the certification. In other words, they do not perceive the land certification as a zero-sum game within households.

Table 7.2.2. Land certification and perceptions of tenure security

Number of respondents	Sashe-mene	Arsi Negelle	Wondo Genet	Wollaita	Total
In case of divorce it matters whose name is on the certificate for whom keeps the land	9	13	1	6	29
Feel more tenure secure after land certification	14	13	3	3	33
Feel less tenure secure after land certification	0	0	0	0	0
Wives have stronger land rights after certification	17	18	3	9	47
Husband's response to this					
Avoid to divorce	4	5	1	2	12
Let the wives decide more	7	4	3	1	15
Do not marry more wives	2	6	0	2	10
Prevent wives from getting certificate	0	0	0	2	2
Prevent wives from having their name on the certificate	2	0	0	5	7
Ensure that you keep the children in case of divorce	3	1	1	0	5

We also asked what the husbands' responses would be to women getting stronger land rights and the responses are summarised in the table above. The most common responses were to let the wives decide more, avoid divorce and avoid marrying more wives. A few also responded that they would try to prevent their wives from getting certificates or having their names on the certificate, and ensure that they would keep the children in case of divorce.

As a follow up we asked them also to respond to the hypothetical case of divorce from each of their wives how much land they expected to keep. We summarise their responses below. About 50% of them expect to keep half of the land and less than 20% expect to keep all the land, less than 20% expect to get less than half, and less than 20% stated that it would depend on who would keep the children.

Table 7.2.3. Polygamous men's expected division of land upon divorce and death of wife

Number of respondents	Sashe-mene	Arsi Negelle	Wondo Genet	Wollaita	Total
In case of divorce, how much land do you expect to get from each of your wives?					
All	5	2	3	1	11
More than half	2	1	0	1	4
Half	10	20	0	3	32
Less than half	2	2	0	3	7
Nothing	3	0	0	1	4
Depends on who keeps the children	3	4	0	4	11
In case one of your wives die, who would get the land if the certificate were in her name?					
The husband	0	1	3	4	8
Her children	18	13	4	5	40
Share equally with her children	7	7	2	7	23
In case one of your wives die, who would get the land if the certificate were in your name?					
The husband	1	5	3	4	13
Her children	14	10	3	6	33
Share equally with her children	10	8	2	6	26

Furthermore, we asked the hypothetical question about who would get the land if one of the wives died and the certificate were in her name. Almost the same question, except that the name on the certificate would be that of the husband, was also asked. The table summarises the responses and shows a tendency that her children were more likely to get all the land if the certificate were in her name although the relatively small number of respondents should refrain us from drawing any strong conclusions. There was also a general tendency that they perceived that whose name is on the certificate may matter for how the land is shared in case of death of a wife.

Polygamous wives' responses

Polygamous wives in our sample were also asked what they expected the division of land to be in case they were exposed to a divorce. The responses of non-polygamous wives were compared with those of polygamous wives and the responses of the first wife in polygamous households with those of the later wives in the same households in the table below.

Polygamous wives were found to have significantly lower expectation of how much land they would keep after divorce than other wives had. The second and later wives of polygamous households were also found to have significantly lower expectations of how much land they would keep than the first wife of polygamous households. This indicates the weak position of polygamous wives. Issuing certificates with their names on may therefore be an important device to strengthen their rights to land.

Table 7.2.4. Polygamous and other wives' expected division of land upon divorce

Percentage of respondents	Other wives	Polygamous	Wife 1	Wife 2-5
In case of divorce, how much land do you expect to get from each of your wives?				
All	16.5	7.2	11.8	2.6
More than half	3.7	9.2	5.3	13.0
Half	70.3	64.1	69.7	58.4
Less than half	6.7	15.0	6.6	23.4
Nothing	0.3	0.7	1.3	0
Depends on who keeps the children	0.6	1.3	0	2.6
Total number	327	153	76	77
Significance test		***		***

Polygamous wives' participation in and knowledge of land reform activities

Polygamous wives were less likely to have participated in public information meetings about land certification than other wives. However, when comparing the first wife with the other wives in polygamous households, we found that the other wives had participated significantly more in such meetings than the first wife.

About half of the wives had knowledge of the existence of a Land Administration Committee (LAC) in their PA and only about 15% of them had been involved in electing the LAC committee members. The first wives of polygamous households were significantly more likely to have participated in the election of LAC members. Few of the women knew about the requirement of female members in LAC committees or what the minimum number of female members in the committees should be (Is there currently such a restriction?). The second and later wives of polygamous households appeared to be even less aware of this than the other wives. About 15% of the wives were aware of any female members of the current

LACs. Our sample had two wives that were LAC member, one of whom was from a polygamous household.

Table 7.2.5. Polygamous and other wives' participation in and knowledge of the land reform process

Percentage of respondents	Other wives	Polygamous wives	Sign. test	Wife 1	Wife 2-5	Sign. test
Number of public information meetings about land certification attended, median and mean	1 1.9	0 1.3	**	0 0.6	0 1.8	***
Knowledge of LAC in PA	52.2	50.3		55.1	45.1	
Participate in election of LAC	17.5	14.2		23.5	5.5	***
Reservation for female members in LAC	13.9	12.0		17.3	6.3	**
Min number of female members in LAC	12.5	10.3		16.7	4.8	
Currently female members in LAC	14.8	15.5		20.8	10.2	***
Are you member of LAC	0.8	1.2		2.6	0	

** significant at 5% level, *** significant at 1% level

Next, we want to assess polygamous wives' perception of the importance of having their names and pictures on the land certificates and whether they think this affects their decision power over the land. The responses are presented in the table below.

More than 80% of all wives consider it good that they get their names and pictures on the land certificates. About 50%, and less than that of polygamous wives, think that this will affect their power over the land. In this case it appears that the second and later wives of polygamous households are more likely to believe that it will strengthen their positions in cases of divorce and death of husbands than the first wives believe. This may be because of their weaker initial position as some of our other findings have revealed.

Table 7.2.6. Polygamous and other wives' perception of the importance of their names and pictures on land certificates

Percentage of respondents	Other wives	Polygamous wives	Wife 1	Wife 2-5
Good that wife also should have name and picture on certificate	82.9	82.5	83.3	81.4
Does wife's name on certificate affect her power over the land?				
Has no effect	50.0	44.4	50.6	37.5
She has a stronger position in case of divorce or husband's death	40.5	43.1	35.4	51.4
She involves more in land-related decisions within marriage	4.8	3.3	6.3	0
She controls more of the income from production on the land	1.8	4.0	2.5	5.6
She is involved in land renting decisions	1.8	1.3	0	2.8
She does more work on the land	1.2	4.0	5.1	2.8
Significance test for difference				**

** significant at 5% level, *** significant at 1% level

7.3. Women's participation in the process

Now we go on to look at women's perceptions by comparing the responses of women in the different districts, peri-urban PAs and female-headed households. We look at the general level of the responses and whether there are some peculiar differences between the different categories of women.

Table 7.3.1. Women's participation in and knowledge of land reform activities

	Sashe- mene	Arsi Negelle	Wondo Genet	Wollaita	Peri- urban	Famale heads
Number of meetings attended, median	0	1	0	1	1	1
Knowledge of LAC in PA	55.8	57.4	19.4	36.2	57.8	50.7
Participate in election of LAC	10.9	11.5	1.9	13.1	8.5	17.3
Reservation for female members in LAC	11.5	6.1	1.9	7.5	7.8	10.7
Min number of female members in LAC=2	3.9	3.4	1.0	3.5	4.9	6.8
Currently female members in LAC	11.5	3.4	2.9	9.6	7.0	8.0
Are you member of LAC	0	.7	0	1	0	0

The median for number of meetings related to the implementation of the land reform for women was one, while the majority of women did not participate in any meeting in Sashemene and Wondo Genet. About 50% of the women were aware of the establishment of land administration committees (LACs) in their PAs, but only 17% had participated in election of members for these committees, 11% knew that there were reserved places for women in these committees, and only 8% know that there were female members in the LAC in their PA. The knowledge in Wondo Genet was generally poorer than in the other woredas. This may be because of the delay of implementation of the land certification there, partly because the area has been selected as one of the pilot areas for more advanced certification, and partly because Wondo Genet belongs to the Sidama zone where there has been more administrative resistance against implementation of land certification. There was even lower female participation in LAC elections in peri-urban areas while female heads of households were more likely to have participated than females in male-headed households.

The distribution of certificates, names and photos on certificates is presented in the table below. About 60% of all households in the sample have received certificates but this percentage is very low in Wondo Genet for the reasons explained earlier. It is also in SNNP region only that there is space for photos of both husband and wife, leaving us with only one of the study areas, Wollaita, where we can assess how the introduction of photos of both husband and wife has been implemented.

Table 7.3.2. Distribution of certificates, names and photos on certificates

	Sashe- mene	Arsi Negelle	Wondo Genet	Wollaita	Peri- urban	Female- headed	All househ.
Percentage of households with certificate	72.4	80.4	1.9	64.8	84.5	57.3	59.9
Husband's name on certificate only	10.3	9.5	2.9	12.6	14.8	6.7	9.6
Husband, wife and children's names	55.8	50.7	1.9	49.3	57.0	21.3	43.2
Wife and children's names on certificate	2.6	7.4	1.0	3.0	4.9	18.7	3.6
Female head or wife alone	1.9	0	0	1.0	0	4.0	0.8
Husband's photo on certificate only	93.4	87.0		3.2			
Husband and wife's photos on certificate	na	na		92.5	na		
Female head or wife's photo only	5.9	12.3		4.3			

About 43% of households have received certificates with the names of husband, wife as well as children included, about 10% have certificates with only the name of the husband, close to four percent have with name of wife/female household head and the children, and only less than one percent have certificates with only the female head or wife's name. This implies that about 80% of all distributed certificates have names of women (wives or female heads), which is an indication of considerable success from a gender perspective although there is a long way to go before women achieve equal *de facto* rights and decision-positions to that of men in relation to land.

We also see that 92.5% of the households that received certificates in Wollaita have photos of both the husband and wife, while only 3.2% have photos only of the husband and only 4.3% had photos only of the female head. This indicates that there is a high success rate with introducing photos of both spouses on the certificates. Accessing photos appeared not to be a constraint in this location.

7.4. Women's and men's perceptions of women's benefits of the reform

We asked about women's and men's perception of the effect of women's name on the land certificates on their rights and decision-power related to land. Their responses are recorded in the table below by woreda.

The percentage of men that did not believe it had any effect varied from 23 to 58% and for women it varied from 26 to 57%, being lowest in Wondo Genet and highest in Wollaita. This finding is a bit surprising given that the certification process just has been started in Wondo Genet. These expectations may change quickly after experiencing the reform.

The belief or expectation that women's names on the certificates strengthen their position in relation to divorce, ranged from 23 to 48% for men, and from 19 to 35% for women. The lowest expectation levels were in Wollaita and the highest in Arsi Negelle. This implies that non-response was higher in Wondo Genet perhaps because many did not yet know what to believe related to this issue.

Table 7.4.1. Women's and men's perception of the effect of women's name on the land certificates on their decision power related to land

	Sashemene		Arsi Negelle		Wondo Genet		Wollaita	
	Men	Women	Men	Women	Men	Women	Men	Women
Has no effect	36.2	42.8	29.9	37.0	23.5	26.1	58.3	56.9
Stronger position in the case of divorce	30.3	27.0	48.1	35.1	35.7	28.7	22.6	19.6
Involve more on land related decisions within marriage	4.6	6.0	4.6	2.6	4.4	2.6	3.9	2.5
Control more of the income from production on the land	0.7	1.3	1.3	0.7	0.9	0.0	2.0	2.0
Involved in land renting decision	0.0	0.7	0.0	1.3	2.6	1.7	1.5	1.0
Perform more work on the land	4.6	2.6	0.0	0.0	0.0	0.9	0.5	0.5

Beyond this there were very few men and women who believed that women would become more involved in land-related decisions, control more of the income from crop production,

involve more in land rental decisions or perform more work on the land. We may therefore conclude that it is mainly in relation to divorce cases that names on the certificates may have a significant effect on women's decision-power while there are not likely to be strong effects related to their involvement in land management. We found earlier (Table 6.2.3) that there was a tendency that joint certification lead to a reduction in land renting activity. This is contrary to the findings in Tigray by Holden, Deininger and Ghebru (2007a) and may be because of the joint certification and requirement that the family should agree with the head of the household before land is rented out. The recent change in the land proclamation in SNNPR in direction of more individualized land rights such that land brought into marriage also is kept after divorce is also likely to reduce the positive effects of the reform for women.

8. Conflict mediator survey findings

Local conflict mediators have traditionally played an important role in solving land-related disputes in Ethiopia and with the most recent land proclamations their role has been enhanced. The new approach in SNNPR is in direction of formalising their role by linking their activity to the LACs. Changes in the conflict resolution system in some kebelles in Sashemene woreda in OR also were in direction of formalisation of local conflict mediation through formally selected conflict mediators at kebele level. With this backdrop it becomes crucial to assess the knowledge of the law, perceptions and attitudes of these local conflict mediators about women's land rights.

8.1. Conflict mediators' knowledge of the law

We have summarised the conflict mediators' knowledge of the land laws in Table 8.1.1. The knowledge of women's rights of equal sharing of land upon divorce and their right to deny the husband to rent out part of the land were high. However, when it comes to other aspects of the law like restrictions on land renting, fragmentation of land holdings and on mortgaging of land, their knowledge was much poorer. This may imply that the land reform has been quite successful in disseminating information related to gender aspects of the reform but not when it comes to other aspects of the law.

The local conflict mediators were asked about their perceptions whether woreda courts settled conflicts in a good way or not. The responses are summarised in Table 8.1.2 below. We see that only 15.7% in Sashemene, 22% in Arsi Negelle, 37% in Wondo Genet, and 55% in Wollaita considered this to be the case. Focus group discussions with conflict mediators in a number of kebelles in Sashemene and Arsi Negelle revealed that they did not trust the woreda courts. They thought that the woreda court judges did not do a good job because they did not investigate local disputes well enough, they spent very long time before they decided on cases, they were biased in their decisions in favour of the wealthy and influential, and were considered to be corrupt, and demanded money to settle cases more quickly. When we approached the woreda courts in Sashemene and Arsi Negelle to try to get information from woreda court files, they demanded high payment for providing us this information, beyond what we had budget for. One of the focus groups stated that the government should intervene to improve the court system by replacing the current judges with better educated judges.

We also asked the conflict mediators what they thought was the best organ for solving local land disputes. We see from the table below that the majority preferred the local social courts, except in Wollaita, while fewer had a preference that the LACs should handle the land disputes (in Wollaita LACs were preferred by about 50% of the mediators). An even smaller

Table 8.1.1. Conflict mediators' knowledge of the law

% giving correct responses	Sashemene	Arsi Negele	Wondo Genet	Wollaita	Significance test
Knowledge of land proclamation					
Gender aspects					
Sharing rule upon divorce	58.8	73.8	67.9	50.0	
Wife can deny husband to rent out land	96.1	85.7	82.1	95.0	**
Land rental contracts					
Max contract length modern technology	6.0	0	7.4	2.0	
Max contract length traditional technology	2.0	9.5	4.0	0	
Same restrictions on sharecropping, % yes	15.7	43.9	39.3	10.0	***
Min contract length to report contracts	9.8	7.1	0	16.7	
Max share of farm that can be rented out	27.5	42.9	25.0	22.0	***
Same restriction on sharecropping, % yes	15.7	43.9	39.3	10.0	***
Legal to sharecrop out the whole land holding, % yes	3.9	16.7	28.6	11.7	*
Responsible for sustainable management on rented land	39.2	45.2	78.6	73.3	***
Fragmentation restrictions					
Minimum farm size cereal crops	2.0	2.4	9.1	6.7	
Minimum farm size perennial crops	33.3	22.0	0	15.0	
Other restrictions					
Legal to mortgage use right of land, % no	21.6	16.7	39.3	48.3	***
Household head migrates for 10 years: no effect on use right to land for family	54.9	14.3	60.7	80.0	***
Number of mediators	51	42	28	60	

* significant at 10% level, ** significant at 5% level, *** significant at 1% level

number preferred that the kebele leaders should handle such disputes. The most recent land proclamations have put this responsibility on the local LACs in combination with local conflict mediators in SNNPR, leaving social courts out of it, while in OR local conflict mediators should handle the cases while LACs are not supposed to involve in this except from providing technical expertise upon request from the local courts. The role of social courts also appeared to vary across kebelles in Sashemene and Arsi Negelle where we conducted focus group discussions. In some kebelles the social courts had been replaced by appointed “official” conflict mediators while in other kebelles the social courts still played a significant role.

We also see from Table 8.1.2. that most conflict mediators had a positive attitude towards the joint certification of husbands and wives and believed that women’s position is strengthened in cases of divorce and death of husband. This is also consistent with our responses in the household survey.

Table 8.1.2. Conflict mediators' perceptions of quality of woreda courts, preferred organs for conflict resolution and importance of joint certification for women

% agreeing	Sashemene	Arsi Negele	Wondo Genet	Wollaita	Sign. test
Woreda courts settle disputes in a good way, % yes	15.7	22.0	37.0	55.0	***
Preferred organ for solving land disputes is the kebele social court	86.3	71.4	57.1	8.8	***
Preferred organ for solving land disputes is the Land Administration Committee	9.8	21.3	23.1	49.1	***
Good with joint certification of men and women with names and photos of both on certificate	73.5	87.8	57.1	68.3	***
Wife's name on the certificate gives her a stronger position in case of divorce and death of husband	70.6	73.8	50.0	25.0	***

* significant at 10% level, ** significant at 5% level, *** significant at 1% level

We also asked a broader set of questions to conflict mediators to assess their opinions regarding various elements of the new land proclamations. Deviations between the laws and their opinions could possibly affect how they try to resolve local land-related conflicts and cause a deviation between law and practice. Their responses are presented in Table 8.1.3. below.

We see that almost all of them agree with joint titling of men and women and with equal sharing of land upon divorce. A large majority agree that land sales should be illegal while fewer supported that mortgaging of land should be illegal.

We also find quite strong support for the rule that only landless people should be allowed to inherit land but there was significant variation across locations with less support for this in Wollaita. This is a pro-poor policy that is now enhanced in the most recent land proclamations. Most conflict mediators are also positive towards allowing women to plough land with oxen, a cultural taboo that used to be quite strong. A small majority also supports that land should be taken from households that do not conserve their land. This is therefore a controversial issue and creates a form of tenure insecurity which may enhance land conservation but could also threaten the tenure security of households that are too weak to manage their land well. We therefore asked the follow-up question whether the land should be taken from households that are too weak to farm or manage their land themselves. It was only a minority that supported this, showing the pro-poor attitude that dominates among conflict mediators. If there is a conflict between efficiency or sustainability on the one side and survival of weak households, the majority gives priority to the needs of the poor. Furthermore, it was only in Wondo Genet that a large majority of the conflict mediators were convinced that the new land proclamation will enhance more sustainable land management.

A majority of the conflict mediators agreed with the restrictions on land renting that only half of the land should be allowed rented out and that all land renting should be reported to the kebele administration. Very few perceived that sharecropping is the same as land renting and that the same restrictions apply to sharecropping as to land renting (=fixed-rent contracts). Still, they did not agree that it should be allowed to sharecrop out all the land, except for female-headed, old and orphan households that lack the necessary resources to farm the land themselves. They were therefore in agreement with a more pro-poor policy that lifts such restrictions in the case of such poor households. Such a policy would otherwise be a threat to tenure security of the poor.

Finally, the majority also thought that restrictions should be imposed on land fragmentation but we also saw earlier that they had very little knowledge on what minimum farm size should be. In focus group discussions and from the household data we found that such fragmentation

Table 8.1.3. Conflict mediators' opinions about appropriateness of land laws

% giving positive responses	Sashemene	Arsi Negele	Wondo Genet	Wollaita	Sign. test
Agree with joint title of husband and wife	100.0	100.0	96.2	90.0	**
Agree with equal sharing of land upon divorce	92.2	97.6	100.0	70.0	***
Land sales should be illegal	86.3	88.1	89.3	95.0	ns
Land mortgaging should be illegal	54.9	45.2	46.4	56.7	ns
Only landless should be allowed to inherit land	76.5	88.1	50.0	26.7	***
Females should be allowed to plough the land	78.0	76.2	71.4	40.0	***
Land should be taken from households that do not conserve their land	52.0	61.9	57.1	46.7	ns
Land should be taken from households that are too weak to farm or manage their land	35.3	40.5	21.4	31.7	ns
The new land proclamation leads to better land management	47.1	57.1	85.7	100.0	***
Only half of land holding should be allowed rented out	70.6	83.3	57.1	51.7	***
Reporting of all land renting and sharecropping to kebele	84.3	97.6	64.3	63.3	***
All land rental and sharecropping contracts should be written and reported to kebele	74.5	83.3	85.7	86.7	ns
Sharecropping and land renting are the same and subject to the same restrictions	8.0	4.9	10.7	10.0	ns
It should be ok to sharecrop out the whole land holding	3.9	16.7	14.3	16.7	**
Female-headed households, orphan households and other poor households should be allowed to sharecrop out all their land when they lack resources to cultivate it themselves	60.8	59.5	64.3	56.7	ns
Further land fragmentation should be stopped and land farmed jointly by family members	61.2	64.3	67.9	73.3	ns

* significant at 10% level, ** significant at 5% level, *** significant at 1% level

took place and that many people preferred to subdivide the land and manage plots individually rather than as a joint family operation. Reasons for this were that they considered there to be considerable coordination problems related to joint management as all partners may not provide their share of the inputs like fertiliser and labour. They considered there to be substantial moral hazard problems also within families and therefore preferred individually managed plots. It seems their perceptions were that such problems still outweigh the benefits due to economies of scale related to joint management.

8.2. Conflict mediators' perceptions of the effects of land certification on border disputes

Holden et al.(2007c) found that land certification in Tigray region has reduced the amount of border disputes among neighbours. Here we present a brief analysis of the conflict mediators' perceptions of the same issue in our study areas in Southern Ethiopia. In Table 8.2.1 we present the data on border disputes before and after land certification. Border disputes were

the most common type of dispute that these conflict mediators had been involved in mediating in the study areas and they represented the dominant form of mediation for disputes that could not be resolved among the parties themselves. They should therefore be the most competent persons to judge this.

Table 8.2.1. Conflict mediators' perceptions of border disputes before and after land certification

Has the land registration and certification had any effect on border disputes in your community after the registration and certification process was completed?	Were border disputes common before registration?		
	No	Yes	All
Less disputes	13	107	120
No change	16	18	34
More disputes	4	10	14
Total	33	135	168

Chi-square=22.8, p=0.000

We see that 135 out of 168 conflict mediators perceived border disputes to be common before land registration. Thirteen out of 33 conflict mediators that perceived border disputes to be uncommon before registration still perceived that the number of disputes had been reduced after registration and certification. However, when it comes to those that perceived disputes to have been common before registration as many as 107 out of 135 mediators perceived that there has been a reduction in such disputes after registration and certification. A chi-square test demonstrates that this difference was highly significant. This appears to indicate that land registration and certification has reduced such disputes considerably in locations where such disputes were common. When we looked at the geographical distribution of the conflict mediators that indicated that there were more disputes after registration and certification, 10 out of these 14 mediators were located in two kebelles, indicating that the quality of the process may have been poor in these two localities. We may conclude that land registration has significantly reduced the amount of border disputes in our study areas.

9. How pro-poor was the land reform?

Land reforms have in many cases been found to hurt the poor because of corruption, poor implementation, high costs of obtaining land titles and ignorance of multiple dimensions of rights (Cotula et al. 2004; Besley and Burgess, 2000; Deininger, 2003). We will now assess how and whether particularly poor households in Southern Ethiopia benefited from the registration and certification, whether they tended to be excluded or had equal access to the benefits as the less poor households. First we assess whether particularly small farms were less likely to get land certificates than other households. Then we use different poverty indicators to assess whether poor households were disadvantaged in the reform process.

Have small farms been discriminated against in the land reform process? The minimum farm sizes are set to 0.5 ha for cereal crops and 0.25 ha for perennial crops. The question is therefore to what extent is this minimum farm size restrictions violated when it comes to the actual farm sizes? And if many households have farm sizes that are smaller than the minimum size, did they get land certificates? Perennial crops are more dominant in our two study areas in SNNPR. It is therefore possible that they there accept the minimum farm size for perennial crops as the minimum farm size although it is not clear how large share of the farm has to have perennial crops in order for that to be the case. In Table 9.1.1 below we assess how common it was that the minimum farm size had been violated in our study areas.

Table 9.1.1. Minimum farm size violations in our study areas

	Woreda				
	Sashe- mene	Arsi Negelle	Wondo Genet	Wollaita	All households
Farms smaller than 0.5 ha, %	21.8	12.2	64.1	67.3	41.6
Farms smaller than 0.25 ha, %	3.2	2.0	34.0	34.2	18.3
Farms smaller than 0.5 ha with certificate, %	71.9	70.6	4.0	70.5	56.1***
Farms smaller than 0.25 ha with certificate, %	60.0	100.0	4.0	71.6	55.0**
All farms with certificate, %	75.3	82.6	2.5	69.4	64.7

We see from the table that 41.6% of all households in our sample had a farm size below 0.5 ha and 18.3% of all households had a farm size below 0.25 ha. In Wondo Genet and Wollaita 34.0 and 34.2% of the sample households have farm size below 0.25 ha while very few of the farms in Sashemene and Arsi Negelle were that small.

When we assessed whether such small farms were as likely to get certificates as larger farms we found that overall farms below 0.5 and 0.25 ha were significantly less likely to have received a certificate than larger farms. However, this difference could be due to the limited distribution of land certificates in Wondo Genet where farm sizes are small. We therefore assessed this at woreda level and then we did not find a significant difference between small, very small and larger farms in each of the woredas. The failure to detect such a difference could, however, also be a type II failure due to few observations. We therefore carried out an additional more robust test through a number of probit models to assess the determinants of households getting certificates where we not only tested the importance of farm size but also a number of other poverty indicators. The results are presented in Table 9.1.2.

The first model captures farm size with two dummy variables, one for farm size below 0.5 ha (smallfarm), and the second for farm size below 0.25 ha (verysmallfarm). The second model uses the log-transformed farm size and the third model includes the square of the log-transformed farm size variable.

We see that farm size was insignificant in all three models. The only significant variables were age of household head (hnhage), male work force (lnmalewf) and two of the woreda dummy variables. Households with older household heads were more likely to have received land certificates (significant at 5% level in all three models). Households with a larger male work force were more likely to have received certificates (significant at 10% only in two of the models). And households living in Arsi Negelle were more likely to have received certificates (significant at 10% level only in two of the models) and households in Wondo Genet were significantly (1% level) less likely to have received certificates. It therefore appears that the minimum farm size restrictions were not used or implemented in relation to the distribution of land certificates. We found weak indications of a gender bias in the distribution as male workforce of the households appeared to be correlated with households having land certificates. Incomplete certification therefore appears largely to be due to administrative targeting failures that were not correlated with the level of poverty of households.

Table 9.1.2. Determinants of households having a land certificate

	Model 1	Model 2	Model 3
lntlucap	-0.110 (0.233)	-0.230 (0.255)	-0.049 (0.615)
hhhage	0.015** (0.006)	0.015** (0.007)	0.015** (0.007)
hhhsex	0.189 (0.254)	0.248 (0.258)	0.252 (0.265)
lneducation	0.071 (0.099)	0.040 (0.102)	0.277 (0.267)
positioninpa	0.023 (0.171)	0.087 (0.176)	0.083 (0.178)
hhszise	0.002 (0.020)	-0.001 (0.021)	-0.000 (0.021)
lnmalewf	0.374* (0.217)	0.417* (0.222)	0.333 (0.728)
lnfemalewf	-0.109 (0.236)	-0.224 (0.240)	-0.484 (0.759)
smallfarm	-0.109 (0.197)		
verysmallf~m	0.374 (0.283)		
_Iworeda_2	0.235 (0.182)	0.329* (0.187)	0.328* (0.186)
_Iworeda_3	-2.737*** (0.401)	-2.666*** (0.421)	-2.716*** (0.436)
_Iworeda_4	-0.179 (0.217)	-0.069 (0.220)	-0.065 (0.221)
lnfarmsize~p		-0.060 (0.087)	-0.584 (0.551)
lnfarmsize~2			0.039 (0.041)
lntlucap2			-0.140 (0.443)
lneducation2			-0.097 (0.106)
lnmalewf2			0.037 (0.363)
lnfemalewf2			0.130 (0.368)
_cons	-0.522 (0.517)	-0.094 (0.788)	1.667 (1.962)
Number of obs.	409.000	383.000	383.000
r2			
log likel.	-189.0649	-177.1348	-176.1651

* significant at 10%; ** significant at 5%; *** significant at 1%

We have used the relative asset and income poverty categorisation of households and compare the situation of livestock-poor, land-poor, labour-poor and income-poor households with the situation of all households. The findings for knowledge of and participation in the land reform activities are presented in Table 9.1.3.

The table provides hardly any evidence that the reform has been biased against the poor. Only one variable was significantly lower than for other households. That was the case for access to written material which was lower (significant at 5% level) for livestock-poor households than for other households. Labour-poor households were found to be significantly more likely to have a land certificate than other households (significant at 10% level only). This leads us to

conclude that the reform has neither favoured the poor nor the wealthy in relation to these indicators.

Table 9.1.3. Poor households' participation in and knowledge of land reform activities

	Livestock -poor	Land- poor	Labour- poor	Income- poor	All households
Awareness of public meetings, %	72.9	72.7	77.7	68.3	72.4
Attended meetings, %	61.6	63.4	71.2	59.0	63.5
Number of meetings attended, mean (standard error)	3.26 (0.32)	3.44 (0.28)	4.06 (0.41)	3.48 (0.44)	3.71 (0.24)
Access to written material, %	3.9**	6.8	10.6	7.8	8.4
Member of LAC, %	6.9	6.3	8.2	7.8	7.4
Household land registered, %	80.8	80.5	87.7	78.5	80.4
Having land certificate, %	62.1	62.0	69.4*	58.5	59.9

* significant at 10%; ** significant at 5%; *** significant at 1%

Does poverty affect the demand for land certificates, including the demand for upgrading of certificates, the demand for compensation in case of land takings and the willingness to sell land if it were legalised? Also, do the poor perceive that land certificates provide protection to the same extent as other households? The poor may be less able to pay for land certificates but they may also be even more dependent on their land than other households so it is not obvious that their demand and willingness to pay is lower. We present the results in Table 9.1.4 below.

Table 9.1.4. Poor households' participation in and knowledge of land reform activities

Median values in EB	Livestock- poor	Land- poor	Labour- poor	Income -poor	All households
WTP for lost certificate	7	7	6	6	6
WTP for certificate if no certificate	8.5	10	10	6	6
WTP for new improved certificate	12.5	10	10	10	10
WTP for new certificate, mandays	3	3	4	3	3
Land compensation	50000	40000	50000	30000	50000
Minimum land price if legal to sell	50000	50000	67500	45000	60000
% Willing to sell if legalised	24.9	27.5	22.8*	24.0	26.8
% Certificate protects against encroachment by neighbours	36.4	30.4	31.3	34.4	35.0
% Positive impact of certification on women	88.2	85.6	81.5	81.6	84.3

* significant at 10%; ** significant at 5%; *** significant at 1%

The table shows that particularly poor households were willing to pay at least as much for land certificates as other households, even though they are poorer and therefore have lower purchasing power. This implies that they perceive the certificates to be at least as important as the less poor households. The poorest households were also not more likely to be willing to sell their land if land sales were legalised. Finally, the poorest households were also as likely as less poor households to perceive that land certification has had a positive effect on women. We may therefore conclude based on these findings that the land registration and certification largely has been wealth neutral. It has neither been particularly pro-poor nor anti-poor. However, since women are among the poorest of the poor, the reform has been pro-poor in the sense that it has aimed to favour women in order to reduce the traditional gender bias. More work at multiple levels is needed in order to enhance these impacts of the reform.

How pro-poor are other aspects of the recent land reforms? We can here look at the *de jure* and the *de facto* situations. When we assess the most recent changes in the land proclamations we see that they in some ways have strengthened the position of the poor and in other ways that their position has been weakened. Positive changes include

- a) New compensation laws which should grant better treatment of poor households who are exposed to land takings for various purposes as we discussed in chapter 5.
- b) Changes in inheritance laws where priority is to be given to those who depend on the land for livelihood or for those that do not have alternative income.
- c) Opening for individualised property ownership such that partners who marry can retain individual ownership of land after marriage and this implies that the equal sharing rule only applies if they have agreed to share property upon marriage.
- d) Poor female-headed households and other disabled or orphan households are allowed to rent out all their land rather than facing the same restriction that only half of the land can be rented out and this even applies to farm sizes as small as 0.5 ha. Such poor households typically lack the necessary non-land resources that are necessary to farm efficiently. They are therefore better off renting out all their land as long as they get acceptable contract conditions with their tenants.
- e) Formalisation of land renting such that the husband needs consent of his family to be allowed to rent out his land. Such formal registration of land rental contracts is also meant to ensure that the poor are not exposed to exploitative contracts.

What are the *de facto* implications of these *de jure* pro-poor changes in the land laws?

- a) Compensation laws. ELTAP (2007) has found that these laws have not yet been effectively implemented and the *de facto* implementation of land takings and compensation is clearly anti-poor and favouring investors while illegal methods have often been used to evict poor households using police and even imprisonment and giving the evicted households very little chance to appeal and win a case against the government through the court system.
- b) Inheritance laws. It is too early yet to see whether inheritance in reality will favour those dependent on the land and family members without other sources of income.
- c) Opening for individual property within marriage. It is also too early to see the impact of this but it is possible to predict that it will favour men over women with the current virilocal marriage system. Exceptions may be female-headed households and households with only female children that can inherit individual land and keep it as individual land after marriage. Such individualised rights are likely to lead to more landlessness and more skewed land distribution. This may also stimulate more migration and possibly urbanisation.
- d) Allowing poor households to rent out all their land. This rule is clearly beneficial for the poor who are unable to cultivate their land themselves as long as they are able to get fair rental contracts without risking that their land is claimed by their tenants and they can give the responsibility for conserving the land to the tenants. This rule is also likely to enhance the efficiency of the land rental market and lead to more efficient land use.
- e) Formalisation of land rental contracts. Formalisation of fixed-rent contracts has started in some of our study areas and it is possible that this has made it more difficult for the male head of the household to rent out part of the family land without sharing the rental income with the rest of the family. Sharecropping contracts are less likely to lead to this problem and have not so far been exposed to the same kind of restriction but the most recent land proclamations also implements the requirement that sharecropping contracts have to be reported in order to have legal protection. Our focus group

discussions revealed that the requirement to report fixed-rent contracts but not sharecropping contracts has led to a switch out of fixed-rent and into almost only sharecropping contracts. The punishment if caught with an unreported fixed-rent contract was severe, the landowner would get one year imprisonment and the tenant would have to give half of the output to the kebele administration.

Based on this we may conclude that more resources are needed to follow up the land reform and upgrade the formal conflict resolution institutions to come closer to the full potential of the gender and pro-poor impacts of the land reform. In the next section we dig deeper into informal conflict mediation at community level which is an area that has not been studied much before.

10. Overall discussion

We have in this study aimed to identify the early impacts of the land registration and certification in Oromiya and SNNP regions in Southern Ethiopia through a household survey in selected districts (woredas) and communities (kebelles). The selected woredas and communities may not be representative for the whole regions. Particularly SNNPR is very diverse in terms of having many different ethnic groups with own languages that limit communication across groups and create extra administrative challenges when it comes to dissemination of information and implementation of policy reforms. The standard low-cost approach to land registration and certification has been used in three of the four districts that we have studied. The fourth of the districts, Wondo Genet, has been selected as one out of six pilot districts for more advanced registration and certification in SNNPR. This is one of the reasons that the registration and certification had not been completed in this district by the time we carried out the survey. The pilot approach requires more staff, staff training and equipment. Wondo Genet is also located in the Sidama zone of SNNPR and there has been more resistance against the land reform in this zone of the region than in other zones. There is a stronger feeling of autonomy in this zone. The delays cannot therefore only be said to be due to the more advanced and costly approach. The three year implementation period for the USAID pilot program is ending in 2008, however, and Wondo Genet may not be able to complete the process before the project ends.

Oromiya region is more homogenous than the SNNP region. One of the surprising findings was that even though we had been informed that a lot of written material had been produced for dissemination in this region we found evidence that very little of this material had reached the districts where we carried out our studies. Access to written materials turned out to be better in SNNPR even though there were more severe language problems. In SNNPR they were also now about to start a series of radio programs about the reform and this may be a good and cheap way to disseminate more information about the land reform and changes in land laws.

We found that both men's and women's knowledge of the land laws and regulations was very poor for many aspects of the law. The knowledge was better when it came to certain gender aspects of the law and this may be due to the focus on issuing joint certificates so this seems to be an area where the reform has been quite successful.

Now new land proclamations are issued again in 2007 to harmonize the regional land proclamations with the federal land proclamation of 2005. This means that the land proclamations of 2002 for Oromiya region and from 2003 for SNNP region and with their regulations and implementation rules that were valid during our survey already are outdated.

New regulations to accompany the new proclamations of 2007 are also not out yet. Considering the long time it takes for laws to be disseminated and the rapid changes in the laws it is not strange if rural households have a limited knowledge of the law. Even the staff in the local land administrations has problems keeping up with these changes. These rapid changes themselves may be a reason for lack of dissemination of information about the laws because the administrations know that the current laws will soon be changed. Thus even though the changes in the laws lead to improvements in the formal laws it may also lead to a paralysis and confusion about what the law is, and whether the old regulations provide some guidance or should be totally disregarded.

Many aspects of the land proclamations remain unclear and even inconsistent and therefore open for local interpretation. The new land administrations that have been established in a short period of time lack competence in law. Still, they are required to be the first organ to deal with land disputes. They are in the new land proclamation in SNNPR advised to mobilize local elder conflict mediators to solve land disputes but also these elders are likely to have very limited knowledge of the land proclamations and lack formal training in law. The same is the case for judges in the local social courts and even for judges in woreda courts. It is therefore also questionable to what extent women will be protected in cases of disputes even though they have the law on their side, if they were to take their case to the local land administration, local mediation or even to the courts. The costs of doing so may be very high, too high for many women. Social pressure may be one of these costs causing many to refrain from fighting for their rights. This is an area where NGOs could come in and play an important role by providing legal services to women who want to bring their cases to court.

One example that we were informed about in one of our study areas may here illustrate some of the problems: A wife experienced that her husband died. According to the tradition she was the property of her husband's family. She refused this, however, and found another man independently and married and she became pregnant with her new husband. However, after the child was born the clan of her late husband came and killed her newly born child. It may therefore be even life-threatening to fight for your right according to the law. We were also informed about six murder cases in relation to land disputes in one of our other study areas.

It is evident from the share and number of households that have been reached with the low-cost simple approach to land registration and certification that it is scalable. The extra cost of joint titling by including the names of both husband and wife, and even children, is low. There is an added cost of adding photos to the certificates and if buying and supplying photos for the certificates is a requirement to get certificates for households living in remote places where access to photos is very limited, this requirement may be counterproductive and cause fewer households to obtain certificates. Allowing photos to be optional may therefore be a preferred solution in such locations. It is likely that the names on the certificates are more important than the photos even though the level of illiteracy is high. This seems to be the perception among people. The ordering of the names on the certificates may also matter. It is therefore important that the second and later wives of polygamous men get their names first on the certificates. It may give them a stronger position than if they have their name on a joint certificate for the husband and all the wives.

We may also make some speculations on the more long-term impacts of the land certification and land law reforms. We realize that the effects may depend crucially on the specific contents of the laws, how they are interpreted and implemented, as well as on the location-specific conditions, like population pressure, cultural norms and religious traditions. Even

though joint titling is aiming to strengthen the position of women, it is far from obvious that it will have such an effect and that this effect will be strong. We will highlight some of the uncertainties.

The patriarchal cultural traditions and virilocal marriage systems imply that married daughters leave their parents' home and married sons do not. The recent change in the law in SNNP region from, according to the proclamation of 2003, a situation where land held separately before marriage will be common land after marriage, to the formulation in the 2007 proclamation stating that the land holding right held before marriage is not lost because of the marriage, may cause married women of the next generation to become landless in case of divorce or death of their husband. Their alternatives may be to continue to stay with their in-laws and farm jointly with them or they may return to their own blood relatives but they may not be able to keep any of the land as they are not likely to have their name on the land certificate of their husband.

Another uncertainty is whether the parts of the law that prohibits further farm fragmentation below 0.5 ha for cereal crops and below 0.25 ha for perennial crops will be implemented as we see that fragmentation already has passed this level for many households. If we assume it will be implemented, the consequence is that parents will have to farm jointly with their children on the small farms. The issue will be how many of the children will continue to stay on the farm as co-managers, how many will bring in a wife and get children that also have to stay there. Boys will be more likely to stay while daughters who marry are likely to leave. The demographic pressure will depend on the farm size vs. the family size, developments in the marriage market and labour market, the production technology, and the ability of the household to cooperate and intensify their production. We see already clearly in our poverty analysis that high demographic pressure in the households leads to more severe poverty (see regression analyses in Appendix 3. A very important issue is also how this will affect the "marriage market" in the short and longer run.

Fafchamps and Quisumbing (2005) studied marriage, bequest and assortative matching in rural Ethiopia using household data from 1997 for the four main regions of the country. They found that most of the land is passed on to the sons at time of marriage while daughters received very little or no land and that the distribution of wealth at time of marriage was very inequitable both for grooms and brides. They also found assortative matching such that more wealthy grooms marry more wealthy brides thus strengthening the tendency of inequitable distribution of resources across generations. The inequitable distribution also continued a time of inheritance as the majority of women inherit nothing. They found sibling competition among sons. The explanation for this pattern may be that sons who stay at home also take responsibility for their parents as they grow old. They did not find the same sibling competition for land at the time of marriage, possibly because such marriages do not take place at the same time and because at that time young married couples may have been able to obtain land through allocation from the kebele. Our study ten years may involve more such sibling competition because there is no or very little land available from the kebele and family land has also become scarcer. The new land proclamations in OR and SNNPR emphasise that land should be transferred to those children that depend on the land and have no alternative source of income. This shows the pro-poor aspect of the land proclamation which emphasises that land still has a role as a safety net. However, with the increasing land scarcity and landlessness, this role of land can only support some of the children if family planning and birth control is not implemented.

11. Conclusions

Our survey revealed that the land reform had in a short period of time registered the land of 80% of the households in our sample and 60% had received land certificates. There was a positive demand for land certificates among households and 60% of the households also demanded improved certificates with maps of the plots. The median willingness to pay for certificates and improved certificates were low, 6EB and 10EB, as compared to the median fair compensation value of 50,000EB stated by the households in case their land is taken.

We found that the low-cost land reform in Southern Ethiopia has contributed to increase the perceptions of tenure security for both women and men. Having women's names on land certificates increases the perceived probability that they would keep the land after divorce or death of their husband. Fifteen percent of the households in our sample were polygamous and both polygamous men and women perceived their tenure security to have increased due to the reform. More than 80% of all wives and of the polygamous wives perceived that it was good that they got their names and pictures on the land certificates. About 41% of all wives and 43% of polygamous wives thought that having their names and pictures on the certificates would strengthen their position in cases of divorce or death of their husbands. There was also a difference in the perceptions of the first wife vs. later wives of polygamous men. Thirty-five percent of the first wives perceived their positions had been strengthened in cases of divorce and death of the husband while 51% of the later wives perceived so.

We found evidence that the polygamous wives had a weaker position than other wives and that the later wives had an weaker position than the first wife as measured by their expectations about how much land they would keep upon divorce. We also found that the reform could have a greater impact on the later wives than on the first wife as measured by their stated perceptions. This appeared to be the case even though the certification was not carried through as initially was planned by providing certificates to the polygamous husband with his first wife only while giving separate certificates to the later of his wives. Our survey revealed that it was most common to give joint certificates to the polygamous husband and his wives or to have the name of both the wife and the husband on separate certificates for each of the wives. We found very few cases where polygamous wives had only their names on the certificates.

We have collected detailed farm plot level data in our survey. These data have not been analysed in this report as it will take more time and resources than has been provided. It may also be too early to assess the impacts of the reform at farm plot level and we recommend a follow-up survey of the same households in a few years time where the collected data can serve as a baseline. The data will also be used by the involved PhD-students and the primary researcher for more in-depth analysis for publication of the results through other channels.

The reform has so far had some but limited impact on women's ability to influence farm management. This may be due to the strong traditions of male dominance in household-farm decision-making. However, it appears that wives after the reform have more to say in relation to land rental decisions as consent of the family is required for land renting and land rental contracts should be reported to the kebele. The fact that sharecropping is not considered the same as land renting may limit the effect of this regulation to formalise land rental market transactions unless reporting of sharecropping contracts also is enforced. While such enforcement may strengthen the rights of women, it may also increase the transaction costs in the land rental market and cause such rental arrangements to go underground.

It is a long process to change the customs with male dominance in household decision-making related to land. Joint titling of land may be seen as an important first step. Information dissemination, mobilisation and organisation of women's groups, education of women and men, and legal support are all required in order to empower women to give them an equal position to that of men in Southern Ethiopia. Without such multi-level efforts women will have problems escaping their positions as assets of men and their parents and clans, and become owners of their own lives with equitable rights to that of men. Laws without enforcement will not help much when there are strong traditions against them but can be an important step in the right direction with proper follow-up.

We found evidence that the land registration and certification has been wealth neutral in the implementation as poor households had the same probability of having received land certificates as less poor households. This in itself is a big step in the right direction as compared to many reforms in other countries that have been *de facto* anti-poor. The *de jure* changes in land proclamations have been pro-poor in the sense that it has strengthened the land rights of women who typically are among the poorest due to inequitable distribution of rights within households. This is also the case in relation to inheritance where priority should be given to those depending on the land for livelihood and to those without other sources of living.

A new study by Ethiopia Land Tenure and Administration Program (ELTAP, 2007) of the rural land valuation and compensation practices in Ethiopia reveals that local governments illegally evict landholders, using police and imprisonment if necessary, violating the federal law regarding advance payment of compensation and giving due prior notice. It is evident that the knowledge of the land and compensation laws is not poor only among farmers but also among government officials and court judges. Evicted households are therefore not having a high probability of succeeding if they bring their case to court (ELTAP, 2007). This may also contribute to more illegal sales of land as it may be the only way to some compensation for the land that will be lost anyway.

Further research should also focus on the extent to which women are able to enforce their rights, the legal support they are able to get and the extent to which such disputes end with positive outcomes for women in accordance with the law. Our study of the perceptions of local conflict mediators revealed that they did not trust woreda courts to give fair judgements. Although all of these traditional conflict mediators were men, the large majority of them considered joint certification and getting the name and picture on wives on the land certificates as a good thing and that it would strengthen women's position in cases of divorce and death of husbands.

Our study of local conflict mediators' and households' perceptions also found indications that the land registration and certification has contributed to reduce the number of border disputes and inheritance disputes and to increase the incentives to plant trees. These findings are also in line with the findings of Holden et al. (2007b; 2007c) in Tigray region. We also found some evidence that the land reform may have reduced the amount of land renting because of the requirement that land renting needs to be reported and requires the consent of the whole family, which may empower wives in relation to their husbands, in contrast to the study by Holden et al. (2007a) which revealed that land registration and certification has contributed to increase land rental market activity in Tigray, where only the name of the head of the household was included on the certificate.

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Aman Ibrahim, land registration recorder, Arsi Negelle Land Administration

Aman Wayeso, land registration recorder, Arsi Negelle Land Administration

Tadesse Wafa, Team leader of Damos Sore woreda Land Administration, Wollaita

Gebregiorges Goa, land administrator, Damos Sore woreda

Aklilu Fekremariam, Team leader Wondo Genet woreda Land Administration

Buzneh Abera, staff, Wondo Genet Land Administration

Mesafint Tilahun, staff, Wondo Genet Land Administration

We have not included names of persons and households interviewed at community level.

These included husbands and wives of about 600 households, about 200 local conflict mediators, local village leaders, development agents, land administration committee members, social court judges, women's group leaders, and women who had experienced land disputes.

Their names have not been revealed for ethical reasons.

Appendix 1. Terms of reference

UN-HABITAT/SHELTER BRANCH/LAND, TENURE AND PROPERTY ADMINISTRATION SECTION

ASSESSMENT OF THE EARLY IMPACTS OF LAND REGISTRATION AND CERTIFICATION ON WOMEN IN SOUTHERN ETHIOPIA

TERMS OF REFERENCE (ToR) 1 February 2007 –31 December 2007

Background

The Land, Tenure and Property Administration Section, Shelter Branch, Global Division, has the mandate within UN-HABITAT to develop normative approaches in regard to urban land, innovative residential tenures, affordable land management/administration systems, land related regulatory/legal frameworks and tools, particularly for women.

The Land, Tenure and Property Administration Section focuses on research and tool development also to backstop the Global Campaign for Secure Tenure, to supply technical advice to Member States and to backstop the Regional offices and other sections of UN-HABITAT.

Tools provide a resource for understanding how to carry out and perform actions. While there has been extensive global discussion around land policies that work for the poor, there has been insufficient attention paid to the development of methods for implementing these pro poor land policies. Consequently what is required now are pro poor land tools that are affordable and accessible for all sections of the populations. This is essential for creating societies where there is sustainable equal access to land and equal access to the use of land. Work has already started on all these approaches, both for developing and post conflict societies. Incremental up scaling of this work over time, as capacity is developed, is envisaged through the establishment of a Global Network for Pro Poor Land Tool (GLTN) development.

The GLTN seeks to document, develop and disseminate pro poor gendered land tools which work at scale or which can be scaled up. GLTN aims to establish a continuum of land rights, rather than just focus on individual land titling; improve and develop pro poor land management, as well as land tenure tools; unblock existing initiatives; assist in strengthening existing land networks; improve global coordination on land; assist in the development of gendered tools which are affordable and useful to grassroots; and improve the general dissemination of knowledge about how to implement security of tenure. GLTN covers both rural and urban areas, and includes partners who are focused on urban and rural areas (see www.glt.net).

GLTN partners have identified a range of land tools which need to be documented and/or developed and disseminated globally, in order to be able to deliver the MDGs in regard to tenure security especially for the poor. One of these tools is focused on the delivery of security of tenure by using different legal instruments, aside from individual land titling.

The cost factor of delivery is critical in the assessment of new land tools, as well as the development of such tools. Too often this aspect has been neglected and it is not possible for countries to ascertain whether or not piloted or planned land tools are scalable or not. This is of critical importance given the enormous costs that could be involved in delivering security of tenure in a way that would benefit all citizens.

As women are generally disadvantaged in regard to their access to land in their rights to access, owning and controlling land, special emphasis is laid on this aspect by GLTN partners, to ensure security of tenure for both men and women. Women's security of tenure is often dependent on their relations with their fathers, husband, brothers or other male relatives. In many countries inheritance and marital property rights are not equal and favour males over females. Cultural biases also play a large role in excluding women from enjoying independent or joint rights to land. Land administration systems often disadvantage women. There are fewer women involved in land tool development. One aspect of the GLTN is the evaluation of existing land tools to assess to what extent they deliver security of tenure to both men and women.

Ethiopian Background

Land certification has been implemented in Ethiopia since 1998 and over 5 million certificates have been delivered, the largest delivery of non-freehold rights in such a short time period in Sub Saharan Africa. The new federal and regional land proclamations that are the basis for this land reform, aim to increase tenure security and strengthen women's rights to land and to ensure more sustainable use of land resources. It is extremely important to assess whether this certification practice is a best practice especially in regard to its impact on women, gender relations and to what extent it is pro poor. A study area, which will enable this assessment to be made, is Oromiya and the Southern Regions of Ethiopia, as land registration and certification has been implemented there since 2004.

The study should identify the gender-related implications of the land reform by doing in-depth studies in a number of strategically selected communities in Southern and Oromiya Regions of Ethiopia. The aim should be to identify the potential and actual benefits of the reform for women and to develop policy recommendations as to how women's land rights could be strengthened further by improving the quality of the land reform. The study should apply a continuum of rights perspective. It should also assess rights over land which include rights to use, inheritance, varying rental contract arrangements, bequeathing, investments, protection in relation to disputes, and compensation in relation to land expropriation and/or theft. The study will assess the extent to which the land reform approach contributes to the empowerment of women and what additional measures may have to be taken to strengthen this effect. It will also assess the extent to which this approach is pro poor and sustainable in terms of the land administration system.

Activities and Tasks

The main activity will be to undertake a household survey in two locations in Southern Region and two locations in Oromiya Region, capturing important variations in the farming systems and market access, with one of the locations representing a peri-urban area. Sample

size should not be less than 140 households from each location using random sampling of households in each location.

The household level survey instrument should include sections on a) basic household socio-economic data; b) specific parts for adult male and female members (wife and/or head of household) covering issues on their knowledge of the law, participation in activities related to the land reform, responsibilities, attitudes and perceptions, including gender perceptions of partners towards each other concerning the land; c) farm plot level information including all relevant information from their land certificates, farm plot characteristics, input use and output levels, investment, disputes, and land rental activity.

Furthermore information should be collected from the community, district and regional administrations (EPLAUA) responsible for the land reform, local social courts and district courts related to how land-related disputes are resolved, and assessing the knowledge of the law, experiences and attitudes of local leaders in relation the land rights of women and whether and how the reform will make a difference and how it may be implemented in a better way. Special focus should be on the extent to which women are included with names and pictures on the certificates, how this is done in the case of polygamous households, the de facto position prior to certification versus the de jure now, in regard to women, the effects on women's positions in divorce and inheritance cases, the marital property regime in law and practice, women's bargaining power and tenure security as landlords, women's ability to defend themselves in cases of land disputes, women's participation and decision making capacity in meetings and local land committees, and men's knowledge, attitudes and responses to strengthened the land rights of women.

Local research institutions should be involved in the research.

The consultant should also:-

- Briefly describe the historical context of the introduction of the land certificates;
- Describe the system by which land certificates are awarded in the study areas, including the de jure and de facto system, from the beneficiary or user through to the government offices in charge of records emphasising the pro poor aspects. Work out provisional costs for the allocation of a land certificate, to the state and including that paid by the user/beneficiary Evaluate to what extent the land certificate system is gender friendly, particularly for poor women;
- Evaluate to what extent the land certificate is pro poor and useful for ordinary people;
- Evaluate to what extent the land certificate system is scalable to address the wider tenure security problems in Ethiopia;
- Evaluate to what extent the land certificates can be upgraded to registered properties at some later date, and to what extent the system is capable of being integrated into the registration system;

A range of methodologies should be used by the consultant, namely desk reviews, questionnaires, structured interviews, participant observation.

Outputs

1. Preparation of survey instruments to assess impacts of land registration and certification in Ethiopia. This should draw on methodologies already tried and tested

in the country and in the country studies of the land certification system done by the World Bank.

2. Data for four locations, two in Southern and two in Oromiya regions, giving a total sample of more than 500 households. Data should be entered in a professional way facilitating quick and reliable analysis.
3. Preparation of a first report on the basis of the household level data assessing the early impacts of land registration and certification on women in terms of their awareness/knowledge, participation, attitudes, perceptions and experiences. This report should also in its appendices describe the survey instruments used (no. 1) and provide all the data for the 4 locations (no. 2).
4. Preparation of a final draft report including 1/ the first report's findings 2/findings on the land reform process in the selected communities with emphasis on administrative quality of the implementation process, the degree of participation, the level of commitment and knowledge at different levels, the gender implications and the constraints to achieving the full gender benefits from the reform, a pro poor analysis 3/a short policy synopsis extracting the main policy-relevant conclusions from the study in terms of how a gendered land policy reform should be shaped to strengthen women's land rights.
5. A final report.

Appendix 3. Poverty indicator assessment

Table A3.1. Livestock poverty:

Summary statistics: mean, N, se(mean)

by categories of: tlucappoor

tlucappoor	hhsex	tlucap	grossi~p	farmsi~p	hhsize	educat~n	malewf	femalewf
1	1.871921 203 .0245279	.0930173 204 .0055038	999.5395 200 88.52981	1232.399 193 116.0055	7.872549 204 .422168	3.812903 155 .2509783	1.903553 197 .0990956	1.985075 201 .2336683
2	1.894472 199 .021834	.3615959 199 .0103541	1079.763 196 89.59309	1373.604 184 107.3848	7.190955 199 .1846024	3.987654 162 .4137047	1.958763 194 .0944016	1.796954 197 .0829813
3	1.857868 197 .0249418	1.062211 197 .0556535	2032.329 193 197.2859	1861.506 176 182.1839	5.614213 197 .2232637	4.102564 156 .2733216	1.670157 191 .0778995	1.658031 193 .0898915
Total	1.874791 599 .0137385	.5003146 600 .0250176	1364.654 589 79.51286	1479.605 553 79.90034	6.905 600 .1764012	3.968288 473 .1866822	1.845361 582 .0527831	1.815567 591 .0891437

Table A3.2. Land poverty:

Summary statistics: mean, N, se(mean)

by categories of: farmszcappoor

farmszcappoor	hhsex	tlucap	grossi~p	farmsi~p	hhsize	educat~n	malewf	femalewf
1	1.882353 204 .0226133	.3644691 205 .0333505	945.2408 202 62.21389	477.7492 205 22.12821	8.307317 205 .4067707	3.866667 165 .2801031	1.974874 199 .0993449	1.819512 205 .0841763
2	1.875648 193 .0238145	.5014191 191 .0416159	1312.905 191 164.837	1187.388 193 46.69358	7.056995 193 .2072971	3.993243 148 .2881965	1.84492 187 .0881878	2.079787 188 .2498038
3	1.860759 158 .029052	.6112832 157 .0516577	1683.745 155 157.6384	3155.019 158 218.7815	5.335443 158 .246005	4.03937 127 .464514	1.633987 153 .0912172	1.538961 154 .095361
Total	1.873874 555 .0143337	.4818421 553 .0242999	1282.27 548 77.15618	1484.888 556 79.5825	7.028777 556 .1870936	3.959091 440 .195535	1.833024 539 .0545523	1.829982 547 .0955931

Table A3.3. Income poverty:

Summary statistics: mean, N, se(mean)

by categories of: inccappoor

inccappoor	hhsex	tlucap	grossi~p	farmsi~p	hhsize	educat~n	malewf	femalewf
1	1.854369 206 .0246361	.2989627 207 .0214571	432.6746 207 20.94252	1075.408 191 90.25641	8.628019 207 .4041306	3.347826 161 .3711511	2.134328 201 .1071305	2.20098 204 .2339589
2	1.857143 196 .0250588	.4235009 194 .0316406	937.3915 196 41.14202	1422.869 187 147.3318	6.47449 196 .1822064	4.053333 150 .3056202	1.687831 189 .0773488	1.615385 195 .0666707
3	1.914894 188 .0217548	.8022159 188 .0625467	2831.26 188 205.6427	2039.164 170 168.2476	5.462766 188 .2312941	4.575949 158 .2831354	1.677596 183 .0820052	1.590164 183 .0907448
Total	1.874576 590 .0138561	.500613 589 .0252794	1363.061 591 79.25159	1492.951 548 80.63122	6.906937 591 .1788678	3.987207 469 .1878569	1.841187 573 .0531116	1.812715 582 .0902893

Table A3.4. Poverty determinants in all areas: Linear and quadratic models

	<u>LIN-PADummies</u>	<u>LIN+PADummies</u>	<u>QUAD+PADummies</u>
farmsizecap	0.106 (0.076)	0.183* (0.094)	0.331*** (0.106)
tlucap	460.729*** (160.643)	599.311*** (182.549)	699.339*** (246.519)
hhhage	-1.394 (4.199)	-3.064 (4.127)	-1.371 (4.501)
hhhsex	429.536** (193.686)	351.565* (191.667)	275.605 (185.475)
education	39.563 (25.424)	32.239 (22.878)	64.202* (34.574)
positioninpa	-6.238 (166.928)	-83.041 (160.637)	-87.373 (167.381)
hhszize	-113.280** (49.631)	-99.473** (42.495)	-96.719** (41.097)
malewff	151.745*** (57.323)	105.249** (50.594)	211.713* (126.712)
femalewff	58.154 (93.094)	55.174 (81.153)	-4.734 (208.328)
farmsizecap2			-0.000** (0.000)
tlucap2			-47.106 (72.592)
education2			-1.286* (0.671)
malewff2			-16.756 (17.468)
femalewff2			9.272 (26.012)
_Ipa_2		-668.286 (474.855)	-589.264 (447.675)
_Ipa_3		-727.537 (508.732)	-701.219 (492.393)
_Ipa_4		-1530.000*** (494.190)	-1564.634*** (492.899)
_Ipa_5		-938.949* (494.010)	-854.252* (451.721)
_Ipa_6		-1165.926** (454.459)	-1156.711*** (425.435)
_Ipa_7		-508.631 (501.614)	-556.373 (482.468)
_Ipa_8		-876.349* (467.495)	-928.898** (464.719)
_Ipa_9		-837.806* (505.488)	-903.654* (500.106)
_Ipa_11		-730.688 (472.290)	-584.946 (435.005)
_Ipa_12		-772.034 (472.659)	-685.269 (439.156)
_Ipa_13		-130.077 (588.136)	-28.857 (563.674)
_Ipa_14		961.098 (596.496)	1060.275* (562.904)
_Ipa_15		905.077 (953.563)	995.694 (935.718)
_Ipa_16		113.569 (472.090)	210.161 (421.709)
_Ipa_17		-542.705 (466.059)	-601.523 (446.226)
_cons	370.614 (489.259)	1019.332* (585.705)	718.907 (629.946)
Number of obs.	401	401	401
r2	.16	.30	.31
log likel.	-3462.423	-3426.003	-3421.088

Dependent variable is household gross income per capita

Table A3.5. Poverty determinants in all areas: CobbDouglas and Translog models

	<u>CD-PADummies</u>	<u>CD+PADummies</u>	<u>TL+PADummies</u>
lnfarmsize~p	0.071 (0.050)	0.225*** (0.055)	-0.161 (0.141)
lnlucap	0.710*** (0.126)	0.807*** (0.131)	0.695** (0.310)
hhhage	0.001 (0.003)	-0.003 (0.003)	-0.003 (0.003)
hhhsex	0.294** (0.143)	0.221* (0.129)	0.247* (0.127)
lneducation	0.118** (0.054)	0.039 (0.053)	-0.028 (0.149)
positioninpa	0.132 (0.091)	0.093 (0.082)	0.098 (0.081)
hhsize	-0.063*** (0.021)	-0.049*** (0.018)	-0.053*** (0.019)
lnmalewf	0.264** (0.125)	0.156 (0.112)	0.343 (0.382)
lnfemalewf	-0.058 (0.157)	-0.054 (0.134)	-0.966*** (0.367)
lnfarmsize~2			0.029** (0.012)
lnlucap2			0.085 (0.224)
lneducation2			0.038 (0.063)
lnmalewf2			-0.088 (0.190)
lnfemalewf2			0.442*** (0.165)
_Ipa_2		-0.275 (0.189)	-0.262 (0.177)
_Ipa_3		-0.503** (0.237)	-0.506** (0.224)
_Ipa_4		-1.037*** (0.223)	-1.026*** (0.215)
_Ipa_5		-0.465** (0.205)	-0.448** (0.194)
_Ipa_6		-0.696*** (0.187)	-0.692*** (0.169)
_Ipa_7		-0.326* (0.193)	-0.324* (0.179)
_Ipa_8		-0.497** (0.196)	-0.474** (0.184)
_Ipa_9		-0.400* (0.208)	-0.414** (0.196)
_Ipa_11		-0.331 (0.237)	-0.322 (0.232)
_Ipa_12		-0.878*** (0.212)	-0.864*** (0.201)
_Ipa_13		-0.215 (0.287)	-0.160 (0.278)
_Ipa_14		0.768*** (0.220)	0.768*** (0.211)
_Ipa_15		0.818** (0.387)	0.616* (0.371)
_Ipa_16		0.562*** (0.193)	0.568*** (0.183)
_Ipa_17		0.001 (0.194)	0.032 (0.181)
_cons	5.468*** (0.496)	5.088*** (0.471)	6.656*** (0.593)
Number of obs.	401.000	401.000	401.000
r2	.181296	.4155253	.4331841
log likel.	-488.3493	-420.779	-414.6279

Dependent variable is log of household gross income per capita

Table A3.6. Poverty determinants in periurban areas: Linear and quadratic models

	<u>LIN-PADummies</u>	<u>LIN+PADummies</u>	<u>QUAD+PADummies</u>
	b/se	b/se	b/se
farmsizecap	0.121 (0.079)	0.132 (0.087)	0.224*** (0.078)
tlucap	1187.018** (572.374)	1157.788** (549.506)	-2263.587*** (699.844)
hhhage	8.375 (8.482)	3.146 (7.995)	4.198 (5.794)
hhhsex	254.146 (286.800)	364.105 (287.449)	213.047 (231.303)
education	63.681 (55.468)	40.767 (53.125)	32.383 (84.537)
positioninpa	-196.338 (353.416)	-161.656 (342.465)	23.687 (234.813)
hhsiz	-229.542** (100.615)	-241.953** (103.454)	-124.490** (48.017)
malewf	203.967* (107.423)	206.232* (106.410)	478.848*** (159.247)
femalewf	436.466** (201.447)	417.252** (196.995)	-30.509 (289.962)
_Ipa_5		619.593* (322.074)	795.523*** (237.572)
_Ipa_7		827.462** (324.802)	636.718*** (223.357)
_Ipa_8		698.345** (299.829)	609.035*** (222.529)
farmsizecap2			-0.000** (0.000)
tlucap2			1946.060*** (493.349)
education2			-0.689 (7.872)
malewf2			-49.658*** (17.657)
femalewf2			49.716 (38.906)
_cons	-360.358 (688.691)	-749.149 (737.484)	-274.539 (479.048)
Number of obs.	124	124	124
r2	.43	.467	.73
log likel.	-1046.383	-1042.377	-999.8946
p	.1984803	.3344153	3.82e-06

Dependent variable is household gross income per capita

Table A.3.7. Poverty determinants in periurban areas: CobbDouglas and Translog models

	CD-PADummies	CD+PADummies	TL+PADummies
lnfarmsize~p	0.338** (0.139)	0.506*** (0.160)	-0.403 (2.195)
lntlucap	0.360*** (0.108)	0.335*** (0.091)	0.577*** (0.179)
hhhage	-0.003 (0.013)	-0.013 (0.014)	-0.016 (0.012)
hhhsex	0.783** (0.347)	0.688** (0.325)	0.723** (0.329)
lneducation	0.201* (0.116)	0.099 (0.140)	0.764* (0.426)
positioninpa	-0.114 (0.162)	-0.047 (0.177)	0.079 (0.190)
hhszise	-0.046 (0.054)	-0.031 (0.052)	0.003 (0.052)
lnmalewff	0.073 (0.209)	0.019 (0.205)	-0.174 (0.518)
lnfemalewff	0.484** (0.200)	0.404* (0.223)	-0.413 (0.724)
_Ipa_4		-0.648* (0.339)	-0.689** (0.335)
_Ipa_5		0.022 (0.189)	-0.048 (0.198)
_Ipa_8		-0.069 (0.204)	-0.059 (0.233)
lnfarmsize~2			0.058 (0.142)
lntlucap2			0.082** (0.038)
lneducation2			-0.276 (0.180)
lnmalewff2			0.073 (0.361)
lnfemalewff2			0.811 (0.671)
_cons	2.813** (1.098)	2.326* (1.163)	5.495 (8.477)
Number of obs.	65	65	65
r2	.51	.57	.63
log likel.	-56.22907	-51.61752	-47.42965

Dependent variable is household gross income per capita

Appendix 4. Women's land conflict case studies.

These are the stories told to us when interviewing women that have experienced land disputes in their villages. We present the information as we got it from them. We were not able to get the information from the other side of the dispute. We cannot guarantee the correctness of the information received. Also, we should see the cases as examples and not as representing typical dispute situations.

Case 1. A divorced woman with land certificate for her 1.5 ha land. She rented out 1 ha to a tenant and has a written land rental contract with him for four years. The tenant claimed her land because he has cultivated the land for many years. The case first went to the social court in the kebele and she won the case there. The tenant took the case to woreda court and managed to get the decision in his favour there. She then brought the case to the zonal court but also there she lost the case. According to her the tenant is wealthy and influential and has managed to bribe the court people to decide in his favour. She refused to accept the decisions, however, and has managed to bring her case all the way to the regional level where it is still pending. She was imprisoned two days in the kebele because she refused to give the land to the tenant while waiting for the decision at higher level. She was also imprisoned for one month at the zonal prison because she refused to accept the decision and drop her claim. She still keeps the land certificate and the land rental contract. She does not understand how they can ignore the proof she has. The case has taken three years so far and costed her 6-7000 Birr. The case illustrates that the court system *de facto* may favour the wealthy at the expense of the poor.

Case 2. She is an old woman who has rented out 0.75 ha of her 1.5 ha land area through 50-50 sharecropping for six years to another woman. She has a land certificate for the land. The other woman claims the land. She (the tenant) is wealthy and influential. The case went to the kebele social court. The social court decided against her. She took the case to the woreda court and the woreda court decided for her. When the decision went back to the social court the decision was not implemented. The tenant has also not paid her the 50% share of the output. She was not participating in the harvesting herself (she is old). They only had an oral contract. Her problem is therefore that she does not get assistance with enforcing the woreda court decision in her village.

Case 3. She is a divorced woman (divorced 11 years ago) and has 1.25 ha of land. She left her husband when he married another woman. She was his first wife. After divorce she farmed the land jointly with her ex-husband. She rented out 0.25 ha of her land to her ex-husband's brother's daughter's husband for one year, a fixed rent contract at 180 Birr per year (payment was supposed to be upfront with half of the amount for each of the two growing seasons). He paid for the first season but when he did not pay for the second season she refused him to plough the land for the second season. According to her the tenant then went to the kebele administration with a false land rental contract agreement which stated that they had a two-year contract. He also claimed that he has paid the rent. Based on this contract he managed to get the kebele social court to decide in his favour. She (the owner) was asked to pay 90 Birr back to the tenant and 50 Birr to the kebele as punishment. She has taken the case to the woreda court but the woreda court has not yet made a decision. The case is now in its second year. They had witnesses but the witnesses did not determine the case because she was there when they provided the information and they stated that they did not know. Her claim is that the contract is false. The social court appears to have handled the case as a contract breach

case and has informed her that she has to bring in the case as a different case if it is a question about a false contract. Her expenses related to the case have so far been 600 Birr.

General perceptions on the woreda and higher courts among women and conflict mediators we met are that the courts favour the wealthy who can afford to pay for decisions in their favour. If people do not pay, the cases may take very long time. One expressed it like this: Contract cases are decided through mobile phones, meaning that the wealthy and influential have mobile phones and communicate easily with the court judges while the poor have to travel and wait for long time for their cases to be handled and for communicating their situation. Decisions may also be based on family ties.

Case 4. Divorce case. Her husband rented out 0.5 ha of their 1 ha farmland without permission from her. It was a fixed rent contract and she does not know the contract agreement and never saw the rental income or got a share of it for herself and the children. The husband also sold their crops without giving her any money. She took the case to the kebele social court and they stated that it was beyond their capacity and asked her to take the case to the woreda court. She did so and that was three years ago. One year ago she brought a letter from the woreda court to her husband asking him to come to the court. He just used the letter as cigarette paper and did not go to the court. The court made the decision about divorce 8 months ago. Still the court has not made the decision about division of the land. This decision will be made in the near future. The husband has the land certificate and she does not know whether her and their children's names are on the certificate. She left the husband and went to her father and stayed there with the children from 3-4 years ago. One year ago one of the children got sick and they feared the child will die. She was then advised by conflict mediators to return to her home because only men are allowed to go to the mosque (in case the child should die). She therefore went with her children back to the husband's house, that was one year ago. He then left and she has stayed there since then. She has been able to farm only half of the land last year with help of neighbouring villagers. The remaining land was left fallow. She has eight children, the youngest are one and three years old, all with the same husband. He used force to make her pregnant the last time. The (ex)-husband does not visit the children and stopped renting out the land when she returned with the children one year ago. Her ex-husband does not have any brothers or parents and she has a good relationship with his other relatives in the neighbourhood. According to the culture she cannot marry another husband as long as the ex-husband is alive but he is free to marry another wife.

Case 5. Polygamous wife. She lives on her own. Her husband does not usually come to visit her. He stays with the other wife. She has her own land. She had 1 ha of land but gave 0.25 ha to her son who is married and has his own house and family. She has a land certificate for the remaining 0.75 ha in her name only and her son got a land certificate for his 0.25 ha. She was very happy to receive the land certificate. She has 9 children (she gave birth to 10 but one died), 8 daughters and one son. Five of the daughters have married and left so she now stays with her three youngest daughters, 14, 13 and 9 years old. She cultivates her land with some help from neighbours and the husbands of her married daughters. She tells us that the three remaining daughters will inherit her land. She is the leader of the kebele women's association, elected in a general election among the women two years ago. The women's association participate in solving land disputes. They recently received a letter from the woreda council where they were asked to participate in solving land-related disputes. We asked her about the impact of land certificates and recent changes in the law. She does not think that the wife will be able to keep any of the land upon divorce if the husband's name is on the certificate. But she thinks that the land certificate helps the wife to be able to use the land if the husband dies. The tradition is that if the husband dies, the wife has to marry his

brother. If he has no brother, she has to marry another relative of him. The conflict mediators can also assign a new man for her from the husband's family for her to marry. If she does not want to marry, she has to leave and cannot keep the land. She does not think that the change in the laws or land certificates will cause a change in this tradition. This was also the perception by local conflict mediators that we interviewed. One conflict mediator stated that before the wife had to marry the oldest of the brothers but now she could choose which one to marry. This also shows that land is considered family property and women who traditionally move to the husband's place are in a *de facto* weak position even though they have the legal right to the land unless they are able to enforce their right through the legal courts. Currently this is still very difficult. In this kebele they did not have any case of this kind taken to the court.

Case 6. Widow. Her husband died 5-6 years ago. She had one son and four daughters. Her son married and got two children but one of them died. Then also her son died. The wife of her son went to her parents while the son remained with the grandmother. During her stay with her parents the daughter-in-law gave "illegal" (meaning that it was another father of this child) birth to another child (2 years ago). Then recently the daughter-in-law came back and ask to get her son, who is now 5 years old, and ask for land for her son and herself. The widow has 1 ha of land and the land certificate is in her name of herself and the four daughters. Her son had already died when the land certification took place. The case is still pending in the social court. Two of the four daughters are married, the remaining two are 12 and 18 years old.

Case 7. The first wife of a polygamous man did not get any children but he got children with his second wife. After he died the second wife claim all the land and did not allow the first wife to get any land. The kebele social court decided that the first wife should share the land with the second wife and her children but she was not able to do so. She took the case to the woreda court and this court supported her case. She now faces the problem that the kebele does not implement the decision of the woreda court. She has therefore had to go back to her family. The fact that she does not have children weakens her position. Normally the first wife has the strongest position, especially if she is the mother of the oldest son. The leader of the kebele Women's Affairs took the case to the Woreda Women's Affairs.